

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 GALVESTON DIVISION

4 STACEY KIBODEAUX, a/k/a §
5 "ILLUSION," et al., §
6 individually, and on behalf §
7 of all others similarly §
8 situated, §

9 Plaintiffs, §

10 v. §

CIVIL ACTION NO.

3:20-cv-00008

11 A&D INTERESTS, INC., d/b/a §
12 HEARTBREAKERS GENTLEMAN'S §
13 CLUB, et al., §

14 Defendants. §

15 *****

16 ORAL DEPOSITION OF

17 STACEY KIBODEAUX

18 APPEARING REMOTELY FROM

19 HARRIS COUNTY, TEXAS

20 APRIL 22, 2021

21 *****

1 ORAL DEPOSITION OF STACEY KIBODEAUX,
2 produced as a witness at the instance of the
3 Defendants, and duly sworn, was taken in the
4 above-styled and numbered cause on Thursday, April 22,
5 2021, from 10:03 a.m. to 2:52 p.m., before Cassandra
6 Lee, CSR in and for the State of Texas, recorded by
7 machine shorthand, and appearing remotely from Harris
8 County, Texas, pursuant to the Federal Rules of Civil
9 Procedure, the First Emergency Order Regarding the
10 COVID-19 State of Disaster, and the provisions stated
11 on the record or attached hereto; that the deposition
12 shall be read and signed before any notary public.

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25 JOB NO. 10803

R E M O T E A P P E A R A N C E S

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ORAL DEPOSITION OF
STACEY KIBODEAUX
APRIL 22, 2021

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1 THE REPORTER: Pursuant to the First
2 Emergency Order Regarding the COVID-19 State of
3 Disaster, Paragraphs 2.b and 2.c, this deposition of
4 Stacey Kibodeaux is being conducted remotely via Zoom.
5 Today's date is April 22, 2021, and the time is
6 10:03 a.m. The witness is located at Hughes
7 Ellzey, LLP in Houston, Texas.

8 My name is Casey Lee, Texas CSR
9 No. 8900. I am administering the oath and reporting
10 this deposition remotely by stenographic means from my
11 residence within the state of Texas. The witness has
12 represented to me under oath that she is Stacey
13 Kibodeaux.

14 Would counsel please state their
15 appearances for the record?

16 MR. KING: Will King for the
17 defendants.

18 MS. REZAZADEH: Ghazzaleh Rezazadeh for
19 the plaintiffs.

20 THE REPORTER: And Ms. Kibodeaux, would
21 you please raise your right hand to be sworn?

22 STACEY KIBODEAUX,
23 having been first duly sworn, testified as follows:

24 THE WITNESS: Yes.

25 THE REPORTER: Thank you, ma'am.

E X A M I N A T I O N

BY MR. WALLACE:

Q All right. Good morning, Ms. Kibodeaux.
How are you?

A Good morning. I'm good. How are you?

Q Doing well. Thank you for asking.
Have you ever given a deposition
before?

A I have not.

Q You might have already gone over some of the
ground rules about depositions with your counsel, but
I just -- I'd like to emphasize a couple of things,
and it's really for the court reporter's sake.

The first thing is wait until I manage
to get my question out before you start answering that
way the court reporter can just, you know, type down
one person speaking at a time. And it also allows
your counsel to lodge any objections. And by all
means, if I ask a question that doesn't make any sense
to you or you're confused by it or you don't hear it,
which happens a lot on Zoom, please feel free to ask
me for clarification --

A Okay.

Q -- all right?

I might remind you periodically to give

1 an audible answer. It's common for a lot of folks to
2 go, "Huh-uh," or, "Uh-huh," or nod their head. The
3 court reporter can't take that down, so I might remind
4 you, you know, "Please say yes, no, or whatever," all
5 right?

6 A Okay. Sounds good.

7 Q Great. Your full name is Stacey Elizabeth
8 Kibodeaux, true?

9 A True.

10 Q What stage names have you gone by?

11 A I have gone by Illusion and now I go by
12 Haze.

13 Q Have you ever gone by Flower?

14 A No.

15 Q And what's your current address, ma'am?

16 A My current address is 500 10th Street,
17 Kemah, Texas.

18 Q How long have you lived at that address?

19 A Like six months.

20 Q What was your address before that?

21 A My address before that was 696 Pineloch
22 Drive, Webster.

23 Q And how long did you reside at that address?

24 A Approximately a year.

25 Q From about when to when?

1 A I want to say about -- from the December
2 before this previous December to that December.

3 Q So December of 2019 to approximately
4 December of 2020?

5 A Yes.

6 Q And what was your address prior to December
7 of 2019?

8 A That is when I lived in Nassau Bay. I don't
9 remember exactly that address, though.

10 Q Okay. And that's fine. What's your current
11 phone number?

12 A My current phone number is 832 --

13 Q Uh-huh.

14 A -- 655-8113.

15 Q How long have you had that phone number?

16 A Forever.

17 Q Can you give me a count, like a ballpark, a
18 number of years you've had that number?

19 A Okay. Probably like around 10 years.

20 Q And who is your cell phone carrier?

21 A I believe it is T-Mobile.

22 Q Has T-Mobile always been your cell phone
23 carrier?

24 A No.

25 Q During the time that you worked at

1 Heartbreakers, who was your cell phone carrier?

2 A Should be -- it should have been T-Mobile as
3 well.

4 Q And what's your e-mail address?

5 A Staceykib@gmail.com.

6 Q Have you always used that -- that personal
7 e-mail address?

8 A Yes.

9 Q You mentioned earlier that you've never been
10 deposed before. Have you ever been involved in any
11 other lawsuits as a plaintiff or a defendant?

12 A No.

13 Q So this is your first lawsuit, correct?

14 A Yes.

15 Q Is this the only current lawsuit that you're
16 involved in?

17 A Yes.

18 Q What did you do to prepare for today's
19 deposition?

20 A I woke up early and I came here and of
21 course I talked a little bit with my attorney just to
22 brush over some things.

23 Q Did you review any documents?

24 A Not today.

25 Q Did you review any documents yesterday?

1 A Yes, I did.

2 Q Which documents were those?

3 A I do not remember, like, which exact
4 documents.

5 Q Do you recall reading responses to
6 interrogatories?

7 A Yes.

8 Q And I'll pull those up so that -- just to
9 make sure we're on the same page. No one ever
10 remembers the documents -- the names of the documents
11 that they reviewed.

12 A Right.

13 Q So I just want to make sure we're talking
14 about the same stuff.

15 Can you see my screen?

16 A Yes.

17 Q Does this document look familiar to you?
18 It's titled Plaintiff Stacey Kibodeaux's Objections
19 and Responses to Defendant A&D Interests' Requests for
20 Discovery.

21 A Yes. I believe I've recently looked at
22 that, yes.

23 Q And did you review the first set of
24 interrogatories?

25 A I just very briefly went over them.

1 Q Sure. And these questions, I'm just trying
2 to figure out what -- what you have looked at. Would
3 you take a look over the -- your responses to the
4 requests for admissions?

5 A Yes.

6 Q And did you have an opportunity to --
7 opportunity to review the requests for production?

8 A Yes.

9 Q All right. What other documents did you
10 have an opportunity to review?

11 A Those are really the -- like the main two.
12 I don't really recall all the -- all the documents.

13 Q Did you have a chance to review the -- the
14 complaint in this case? And I'll show you that so
15 you'll know what I'm talking about.

16 A Okay.

17 Q Can you see my screen?

18 A Yes.

19 Q I'm now showing you a document that says
20 Plaintiff's First Amended Complaint.

21 A Yes. I believe I've looked at that.

22 Q Have you looked at any other documents in
23 preparation for today's deposition?

24 MS. REZAZADEH: Objection; asked and
25 answered.

1 Q (By Mr. King) You can go ahead -- she's
2 just saying I'm asking a repetitive question.

3 A Oh, okay.

4 Q So you can go ahead and answer.

5 A Oh, okay. No, I do not recall really any
6 other documents.

7 Q Aside from your attorneys, have you spoken
8 with anyone else about your deposition?

9 A No.

10 Q Have you spoken with any of the other
11 plaintiffs in this case about your deposition?

12 A No.

13 Q Have you spoken with any friends or family
14 about your deposition?

15 A Yes.

16 Q And who was that?

17 A My sister.

18 Q What did you discuss with your sister?

19 A I just told her what was basically just
20 going on and asked for, like, some positivity.

21 Q Sure. And what's your sister's name?

22 A Nicole Kibodeaux.

23 Q Well, I -- you'll have my assurances I'll
24 try to make this a positive experience. I don't like
25 beating up on anyone or giving anyone a hard time, all

1 right?

2 A Okay.

3 Q I understand that beginning in about 2017
4 you worked at Target in the beauty department, true?

5 A True.

6 Q And then you left Target roughly in February
7 of 2018, right?

8 A Yes.

9 Q What -- what did you do at Target? What was
10 your job?

11 A My job at Target was to make sure everything
12 was stocked correctly and it was my responsibility to
13 help everybody who came into the cosmetics department,
14 to help them pick out whatever they might be looking
15 for.

16 Q So you were assigned to the cosmetics
17 department in particular?

18 A Yes.

19 Q Did you have to wear like a Target shirt?

20 A Yes.

21 Q Did you get a schedule from Target about
22 when you had to be there?

23 A Yes.

24 Q Were you paid based on how many hours you
25 worked?

1 A Yes.

2 Q Did you receive a -- like a commission for
3 selling cosmetics?

4 A No.

5 Q Did you ever receive any benefits from
6 Target?

7 A No.

8 Q Were you given like an HR manual before you
9 started working for Target or an employee manual,
10 maybe?

11 A Yes.

12 Q Do you -- do you recall kind of like what --
13 what stuff was in that manual?

14 A I -- I recall it just being, you know,
15 what's expected. Like dress code, clocking in and
16 out. Things like that.

17 Q After you left Target, you went to go work
18 at a -- I guess like a dog facility called Camp Bow
19 Wow, right?

20 A Yes.

21 Q And what is Camp Bow Wow?

22 A Camp Bow Wow is a doggy day care facility.

23 Q You worked there from approximately
24 March 2018 through August 2018?

25 A Yes.

1 Q What did you do at Camp Bow Wow? What was
2 your job?

3 A My job was to take care of everybody's dogs.
4 Give them medicine, walk them, play with them, keep
5 everything orderly, and just make sure every dog is
6 taken care of.

7 Q How much were you paid at Camp Bow Wow?

8 A About minimum wage.

9 Q So about 7.25 an hour?

10 A Yes.

11 Q How much were you paid at Target?

12 A I believe around maybe \$11.

13 Q \$11 an hour, right?

14 A Yes.

15 Q After you left Camp Bow Wow in August 2018,
16 where did you go work next?

17 A I ended up going to apply at Heartbreakers.

18 Q And that was in January of 2019?

19 A Yes.

20 Q And you performed at Heartbreakers until the
21 end of December of 2019 approximately, right?

22 A Yes.

23 Q Between your time at Camp Bow Wow and -- the
24 end of your time at Heartbreakers in December of 2019,
25 did you hold any other jobs?

1 A No.

2 Q Was Heartbreakers the first strip club that
3 you had ever worked at?

4 A Yes.

5 Q Have you worked at any other gentlemen's
6 clubs, strip clubs since then?

7 A Yes.

8 Q Which ones?

9 A I have worked at The Ritz, but I was
10 actually fired from The Ritz because somebody had came
11 in and knew exactly who I was and had told the
12 management about me and my lawsuit with Heartbreakers.
13 So they fired me. I've worked at Polekatz, Paradise
14 City, Double Shoe.

15 Q Any other clubs?

16 A I've worked at XTC.

17 Q XTC South or North?

18 A South.

19 Q That's the one by Hobby, right?

20 A Yes.

21 Q Any other clubs that you've worked at?

22 A I am currently working at a club, Sunset
23 Strip and Chicas Cabaret South.

24 Q I'm going to ask you questions just about
25 time frames for each one of these clubs. So from --

1 from about when to when did you perform at The Ritz?

2 A That following January and that's it for The
3 Ritz. I wasn't there very long.

4 Q So from January -- January of 2020, right?

5 A Yes.

6 Q Was it a couple days, couple weeks?

7 A A couple days.

8 Q Who -- who told on you, I guess?

9 A I -- I have no idea. I had never seen this
10 man before in my life. It was very random and
11 suspicious to me. He just came in and came right up
12 to me and knew exactly who I was and everything.
13 So -- but I had no idea who he is.

14 Q Was this a customer?

15 A Yes.

16 Q Did he reference The Houston Chronicle
17 article talking about this lawsuit?

18 A He didn't mention that.

19 Q You're aware that there was a Houston
20 Chronicle article about this lawsuit, right?

21 A Yes.

22 Q Okay. All right. From when to when did you
23 work at Polekatz approximately?

24 A February -- approximately February 2020 to
25 maybe April, April 2020.

1 Q Do you still go back there once in a while?

2 A No.

3 Q Did you decide to leave Polekatz or did
4 something happen?

5 A I decided to leave.

6 Q Why did you decide to leave?

7 A I just didn't really like the energy there.
8 I didn't like the atmosphere, I guess.

9 Q Fair enough. Is there -- was there some
10 particular element of the atmosphere that turned you
11 off?

12 A No.

13 Q Paradise City, from when to when?

14 A I worked at Paradise City very, very briefly
15 a couple times while I was actually still employed at
16 Heartbreakers.

17 Q What are the outer boundaries of the times
18 that you've worked at Paradise City?

19 A Maybe like August 2019. Around that time.
20 But I only worked about, like, two shifts there.

21 Q After working a couple times in August of
22 2019 at Paradise City, have you gone back to perform
23 there?

24 A No.

25 Q So August 2019 was the only time that you

1 ever performed at Paradise City, right?

2 A Yes.

3 Q Why did you only perform a couple shifts?

4 A I just wanted to see what it was like there
5 and I just decided I didn't really like -- want to
6 keep going there.

7 Q Why did you decide not to keep going there?

8 A Well, it was a little too chaotic for me.

9 Q What do you mean by chaotic?

10 A Just like the atmosphere. Like it was a
11 very large club and after hours, so the hours were a
12 little bit too long for me as well. It just wasn't a
13 fit.

14 Q Fair enough. They're -- they're open to,
15 what, 4:00 a.m.?

16 A 6:00 a.m.

17 Q 6:00 a.m.? That's pretty long. And that's
18 a -- that's a BYOB place, right?

19 A Yes.

20 Q All right. Double Shoe, from when to when
21 approximately?

22 A About, like, the summer of 2020. Probably
23 around, like, June.

24 Q So from approximately June of 2020 until
25 when?

1 A Probably August 2020.

2 Q How often did you go to Double Shoe during
3 this time period?

4 A Pretty frequently. Maybe four or five times
5 out of the week.

6 Q Did you have any preferred shifts at Double
7 Shoe?

8 A Can you repeat that?

9 Q Sure. Were there any preferred days that
10 you appeared at Double Shoe?

11 A No, not particularly.

12 Q Just kind of whenever?

13 A Uh-huh.

14 Q Was that a yes?

15 A Oh, yes. Sorry. Yes.

16 Q That's okay. XTC South, from when to when?

17 A I only worked one night there. And that was
18 probably, like, around August 2019.

19 Q Sunset Strip?

20 A April of last year to currently.

21 Q I'm sorry. I forgot to ask. Why did you
22 only work one night at XTC South?

23 A I just didn't like the club.

24 Q Atmosphere issues?

25 A Yes.

1 Q XTC is a pretty rowdy place, isn't it?

2 A Yes.

3 Q All right. You were saying that you have
4 performed at Sunset Strip between April 2020 and
5 currently. How often do you appear there?

6 A About five days or six days a week.

7 Q Are you more of a day dancer, night dancer?

8 A I'm more of a night dancer. But some -- I
9 usually come in, like, during the afternoon.

10 Q Is that to get a lower house fee?

11 A To get a lower house fee and to get some
12 more hours.

13 Q Chicas Cabaret South, from when to when
14 approximately?

15 A About two months ago to currently.

16 Q I can't even remember what month it is. So
17 from February to now?

18 A Yes.

19 Q And how often do you appear at Chicas?

20 A About twice a week.

21 Q So just to summarize it, you currently
22 perform at Sunset Strip and Chicas, right?

23 A Yes.

24 Q Okay. And you appear more often at Sunset
25 Strip as opposed to Chicas, right?

1 A Yes.

2 Q Is there any reason for that?

3 A Just different -- two very different clubs.

4 Chicas is after hours --

5 Q Uh-huh.

6 A -- and Sunset Strip is not.

7 Q So after performing at Sunset Strip, do you
8 sometimes go over to Chicas to catch the after hours
9 crowd?

10 A No.

11 Q How do you decide which club to perform at?

12 A It just depends on how I feel that day.

13 Q What -- what do you mean by that?

14 MS. REZAZADEH: Objection; vague.

15 You can answer. You can ignore my
16 objections.

17 A It just depends on how -- like what kind of
18 energy I have. If I think maybe I'll have enough
19 energy to go to Chicas and be able to dance the full
20 night and after hours, then I will -- I would go
21 there.

22 Q (By Mr. King) I understand. Different clubs
23 have different vibes to them, don't they?

24 A Yes.

25 Q Different clubs have different kinds of

1 demographics and customers that come in, right?

2 A Yes.

3 Q Different clubs have different genres of
4 music that they play more often, right?

5 A Yes.

6 Q Different clubs have different -- different
7 kind of managers, shall we say?

8 A Yes.

9 Q At all of the clubs that we've just
10 discussed, have you been considered to be an
11 independent contractor?

12 A I am --

13 MS. REZAZADEH: Calls for a legal
14 conclusion.

15 Go ahead.

16 A I am not sure.

17 Q (By Mr. King) I'll ask this: At all of the
18 clubs that we've just discussed, have you signed a
19 document saying you were treated as an independent
20 contractor?

21 A Well, every club has different applications,
22 and I've been to some clubs where they'll give me,
23 like, a packet and then another club that will
24 literally just be a single sheet of paper.

25 Q Uh-huh.

1 A So I'm not exactly sure.

2 Q Okay. Have any of these clubs paid you by
3 the hour for your time?

4 A No.

5 Q Have all of these clubs had some sort of
6 house fee where you -- you pay a sum in order to
7 perform at the club on a daily basis or whatever?

8 A Yes.

9 Q And the amount of those house fees varies
10 from club to club, right?

11 A Yes.

12 Q Because each one of these clubs has I assume
13 a schedule of house fees that increases based on the
14 time of -- time of day, right?

15 A Yes.

16 Q So a Friday night shift, maybe, let's say
17 hypothetically starts at 8:00 would be more than a
18 Wednesday afternoon shift, right?

19 A Yes.

20 Q Do all of these clubs have the same sort of
21 policies as far as tipping other personnel?

22 MS. REZAZADEH: Objection; vague.

23 You can answer, always. Go ahead.

24 A Can you actually repeat the question,
25 please?

1 Q (By Mr. King) Sure. It was probably a bad
2 question anyway.

3 Do -- do all of these clubs have stage
4 rotations?

5 A Stage rotations?

6 Q Yes, ma'am.

7 A Yes.

8 Q Where you have to go and put your name down
9 on the list with the DJ, right?

10 A Yeah.

11 Q And then when your name is called, you go up
12 on stage and perform?

13 A Yes.

14 Q Are you expected to tip other club personnel
15 at any of these clubs?

16 MS. REZAZADEH: Objection; vague.

17 A It really depends on what club I'm at. My
18 current club that I go to the most, they don't really
19 bother me too much about that.

20 Q (By Mr. King) Sunset Strip?

21 A Yes.

22 Q Do you have a schedule -- a set schedule at
23 any of these clubs?

24 A No.

25 Q Have we now covered all of the clubs that

1 you've performed at?

2 A Yes.

3 Q Do you maintain any social media accounts?

4 A Yes.

5 Q Do you have a Facebook account?

6 A Yes.

7 Q Is that Facebook account
8 stacey.kibodeaux.98?

9 A Yes.

10 Q Can you see my screen?

11 A Yes.

12 Q Let me zoom in. It might be a little bit
13 hard to see.

14 Is this the -- like I guess the cover
15 photo part of your Facebook account?

16 A Yes.

17 Q And you're the only one who has access to
18 your Facebook account as far as maintaining it, right?

19 A Correct.

20 Q Does anyone else have authorization to
21 update or edit your page?

22 A No.

23 Q And this is --

24 MS. REZAZADEH: This stuff hasn't been
25 produced to us. I had asked to look at it before you

1 ask her about it.

2 MR. KING: Okay.

3 Q (By Mr. King) This is your Facebook page
4 from -- a previous version of your Facebook page,
5 right?

6 A Yes.

7 MS. REZAZADEH: Just -- again, I
8 have -- none of these documents have been produced to
9 us, so, Stacey, I haven't reviewed them know where
10 they came from or, you know, if they're authentic or
11 whatever. So just keep that in mind when you're
12 answering questions not been produced by Heartbreakers
13 to us in this lawsuit.

14 Q (By Mr. King) Have you ever worked at Dan's
15 Pizza Company?

16 A Yes.

17 Q From September of 2018 until when?

18 A I don't think that's accurate at all,
19 actually. I worked there very briefly, but I don't
20 really -- like, I don't remember what dates. And it's
21 definitely not to present time.

22 Q Understood. And I'll represent to you that
23 this is a screenshot from a long time ago.

24 A Uh-huh.

25 MS. REZAZADEH: What date?

1 MR. KING: This was probably January of
2 2020.

3 MS. REZAZADEH: I'm going to object to
4 any line of questioning about this. We have no
5 idea -- she has no idea what date this screen capture
6 of this -- her Facebook page is from, whether it's
7 within the relevant period of our lawsuit, of the
8 heart -- of her employment at Heartbreakers, anything
9 like that. So I'm just letting you know I'm going to
10 object to any questioning on this -- these documents.

11 MR. KING: That's fine.

12 Q (By Mr. King) I'm just asking you if you've
13 ever worked at Dan's Pizza Company.

14 A Yes.

15 Q Okay. How long did you work at Dan's Pizza
16 Company?

17 A Like a week.

18 Q That's fine. Let me see about dropping this
19 into the Zoom thing.

20 MS. REZAZADEH: Can you enter that as
21 an exhibit too so that we know what you're asking
22 about?

23 MR. KING: Sure.

24 MS. REZAZADEH: Awesome.

25 (Marked was Kibodeaux Exhibit No. 1.)

1 Q (By Mr. King) Do you have a Snapchat
2 profile?

3 A Yes, I have a Snapchat.

4 Q And what's your username?

5 A It's metalandcatshey.

6 Q I'm sorry. Metal -- metalandcatshey?

7 A Yeah. All together.

8 Q Got it. Thank you. M -- M-E-T-A-L?

9 A Uh-huh. Yes.

10 Q What other social media accounts do you
11 maintain?

12 A I have an Instagram.

13 Q Uh-huh. Is your username blunted_illusion.

14 A No.

15 Q What is your username on Instagram?

16 A It's hazedncaked.

17 Q Hazed M Kate? Can you spell that for the
18 court reporter?

19 A Yes. H-A-Z-E-D, the letter N, and then
20 C-A-K-E-D.

21 Q Got it. Is -- is your -- is that Instagram
22 profile set to private?

23 A No.

24 Q Any -- any other social media accounts?

25 A No.

1 Q Do you have -- do you have an Etsy?

2 A An Etsy.

3 Q Uh-huh. An Etsy page.

4 A I mean, I have a login for it, but I don't
5 have, like, a page that I run.

6 Q You've never heard of the username Taco
7 Bell -- tacobellsqueen?

8 A Yes. I made that when I was like 12.

9 Q I understand. Okay. Fair enough.

10 Do you have a Twitter account?

11 A No.

12 Q Do you have a YouTube channel?

13 A No.

14 Q Okay. And I have to ask. I don't mean any
15 offense by this, but do you have an OnlyFans account?

16 A Yes.

17 Q What's your username on OnlyFans?

18 A I believe it's the same as my Instagram
19 username.

20 Q Could it be something different?

21 A I don't think so, but I'm not, like, active
22 on it, so that's what I think I remember.

23 Q Do you consider your Facebook page a private
24 account?

25 A Yes.

1 Q What -- why so?

2 A My Facebook?

3 Q Uh-huh.

4 A Because that's where I have my family and a
5 few friends.

6 Q Any of the social media accounts that we've
7 just talked about, have you ever posted anything about
8 Heartbreakers?

9 A Yes.

10 Q On which account or accounts?

11 A So I had an old Instagram that you mentioned
12 earlier --

13 Q Uh-huh.

14 A -- the Illusion one.

15 Q Yeah.

16 A I would sometime post selfies and stuff.

17 Q Sure.

18 A And on my Facebook, I had made a status
19 before basically saying, you know, I'm going through a
20 lawsuit and if anybody wants to send, like, good,
21 positive vibes or keep me in your thoughts or
22 whatever, that kind of thing. And that's it.

23 Q The Facebook post that you just mentioned,
24 do you recall about when that was posted?

25 A No.

1 Q Is that post set to public or private?

2 A Probably private.

3 Q Did you receive any comments about that,
4 that post?

5 A I do not recall.

6 Q Is that post still available on your
7 Facebook profile?

8 A I do not know.

9 Q Do you know if you deleted the post after
10 posting it?

11 A I do not know.

12 Q We would just have to look at your profile,
13 right?

14 A Uh-huh. Yes.

15 Q Out of curiosity, why did you -- what
16 motivated you to make that post?

17 A I just was looking for, I guess, some
18 reassurance possibly.

19 Q Uh-huh.

20 A That's really it. I wasn't -- I was just
21 kind of like letting my friends know a little bit.

22 Q Sure. Do you -- are you Facebook friends
23 with any dancers at Heartbreakers?

24 A Yes.

25 Q Did you ask any of them to join the lawsuit

1 in that post?

2 A No.

3 Q On any of the social media accounts that
4 we've just discussed, Facebook, Snapchat, Instagram,
5 have you ever made any postings about your work as a
6 dancer?

7 A Can you specify?

8 Q Sure. Just about your thoughts on the
9 exotic dance club industry or your occupation as a
10 dancer.

11 MS. REZAZADEH: Objection; vague.

12 A I mean, yes, I've made -- I've made, like,
13 posts or, like, I will post a picture saying, like,
14 "Hey, I'm at work."

15 Or just very simple -- simple-minded
16 posts, I guess.

17 Q (By Mr. King) Fair enough. Do you recall
18 having ever made any posts that you're, you know,
19 performing at Heartbreakers?

20 A Yes. I would sometimes post things like
21 that.

22 Q What -- what was -- what's the purpose of
23 those posts?

24 A Just to let my friends know, like, I would
25 just post because -- I don't know. I feel like that's

1 what a lot of people my age do. Like just to post it,
2 I guess.

3 Q So just to let your friends know?

4 A Yes.

5 Q Did you ever post where -- where you were
6 performing to let potential customers know that you're
7 there?

8 MS. REZAZADEH: Objection; asked and
9 answered.

10 A Yes.

11 Q (By Mr. King) Do you know if those posts
12 are still on your page, your Facebook page?

13 A No. Any posts like that would have not even
14 been on my Facebook. It would have been on my old
15 Instagram, but I deleted that, like, over a year ago.

16 Q Do you recall about when you deleted that
17 account?

18 MS. REZAZADEH: Objection; asked and
19 answered.

20 A Did you say why I deleted it?

21 Q (By Mr. King) When.

22 A When?

23 Q Yes, ma'am.

24 A Approximately a year ago.

25 Q Was that after this lawsuit was filed?

1 A Yes. Probably right after it was filed, I
2 deleted it.

3 Q Sure. Why -- why did you delete it?

4 A I deleted it because I didn't want to be,
5 like, associated with that old dancer name. I just
6 wanted a -- a new page for myself.

7 Q Do you know if that -- if your postings
8 under that former username, blunted --
9 blunted_illusion, are they still accessible?

10 A No, they're not.

11 Q So the -- the account's just totally
12 deleted?

13 A Yes.

14 Q On any of these social media platforms that
15 we've discussed, did you ever communicate with any
16 club managers, Heartbreakers' club managers?

17 A Like through my social media pages?

18 Q Yeah.

19 A No.

20 Q Did you ever send like direct messages with
21 any club managers?

22 A Well, I -- yes.

23 Q Which -- which one?

24 A Well, I've talked to sometimes my club
25 managers that I am currently with.

1 Q Uh-huh.

2 A Because they like to, like, post our
3 pictures and stuff sometimes for their page.

4 Q Sure.

5 A So they'll ask me and I'll say yes or no.

6 Q I was just talking about at Heartbreakers.

7 A Oh, at Heartbreakers?

8 Q Yeah.

9 A No.

10 Q Did you send any -- did you use any of the
11 social media platforms that we've discussed to send
12 DMs with other -- like waitresses or bartenders or any
13 other club personnel aside from managers?

14 A No.

15 Q What about other dancers?

16 A I had some of the dancers on that old
17 Instagram and I followed them.

18 Q What about your Facebook?

19 A My Facebook?

20 Q Uh-huh.

21 A I think there's like one -- one girl on
22 there. She might still work at that club, but I don't
23 really keep in touch with her.

24 Q Have you -- have you had an opportunity to
25 search your phone for any text messages with any

1 Heartbreakers -- Heartbreakers' managers?

2 A Yes. I've gone through any documents for
3 texts, pictures, and I gave my attorney everything
4 that I could find and have. So I don't have any --
5 any other things.

6 Q And I appreciate your answer. But just --
7 just to make sure I've got all my bases covered, so
8 you don't have any texts or e-mails, Facebook messages
9 or other kinds of electronic communications with
10 Whitey?

11 A No.

12 Q What about with Gary Wasek?

13 A No.

14 Q What about with Carl Arceneaux?

15 A No.

16 Q Jeremy Goldsboro?

17 A No.

18 Q Danny Jackson?

19 A No.

20 Q Peggy or Mike Armstrong?

21 A No.

22 Q Brandy or Jen?

23 A No.

24 Q Any of the DJs?

25 A No.

1 Q I can't remember their names. I think
2 Vanek -- does that ring a bell?

3 A No. I remember a DJ named Ben and that's
4 it.

5 Q Okay.

6 A But no, no contact.

7 Q Understood. Have you -- have you searched
8 for or found any documents in which you recorded the
9 days that you performed at Heartbreakers?

10 MS. REZAZADEH: Objection; vague.

11 A No.

12 Q (By Mr. King) When I'm -- what I'm asking is
13 sometimes people have, you know, daily -- they'll have
14 calendars or they'll write down, you know, I worked X,
15 Y, Z days. Do you have any -- any of that kind of
16 information written down somewhere?

17 A No. The only, like, reference I would have
18 is, like, a picture I sent my attorney or something,
19 like, to have the date on it or something, but no.

20 Q Sure. I get it. Do you have any -- any
21 documents in which you reported the number of hours
22 that you performed at Heartbreakers?

23 A No.

24 MS. REZAZADEH: Objection; asked and
25 answered.

1 Q (By Mr. King) Do you have any -- any
2 documents in which you recorded the amount of house
3 fees that you paid at Heartbreakers?

4 A No.

5 Q Do you have any documents in which you have
6 written down or reported how much money you made at
7 Heartbreakers?

8 A No.

9 Q And the last question on this -- this very
10 boring line of questions is do you have any records of
11 how much money that you might have paid to a DJ or a
12 manager or a bartender or a waitress?

13 A No.

14 Q So just so I can make sure I have covered
15 all of my bases, all of the documents that you have
16 related to your time at Heartbreakers have been
17 provided to your counsel?

18 A Yes.

19 Q Okay. It's -- it's true that Heartbreakers
20 never paid you for any of the hours that you performed
21 there, right?

22 A True.

23 Q And it's true that Heartbreakers never paid
24 you for the number of dances that you performed on
25 stage, right?

1 A True.

2 Q Heartbreakers never paid you for the number
3 of dances that you performed for customers on the
4 floor, right?

5 MS. REZAZADEH: Objection; vague.

6 Q (By Mr. King) Lap dances, table dances,
7 things of that sort, Heartbreakers never paid you for
8 that, right?

9 A Correct.

10 Q And Heartbreakers never gave you any money
11 for selling food and beverages to any customers,
12 right?

13 A No.

14 MS. REZAZADEH: Objection; vague.

15 Q (By Mr. King) They certainly never gave you
16 any share of the money that they collected for cover
17 charges, right?

18 A Right.

19 Q The bottom line is that Heartbreakers didn't
20 pay you any money, true?

21 MS. REZAZADEH: Objection; vague.

22 A True.

23 Q (By Mr. King) And the -- Heartbreakers
24 didn't offer you any sort of benefits, right?

25 MS. REZAZADEH: Objection; vague.

1 A Can you please repeat that question?

2 Q (By Mr. King) Sure. And I'll try to be a
3 little bit more specific for you. Heartbreakers
4 didn't offer you any sort of employment type of
5 benefits like health insurance, right?

6 A Oh, no.

7 Q They didn't offer a retirement plan, right?

8 A Correct. They did not offer anything.

9 Q No paid time off or sick leave?

10 A No.

11 Q In fact, you -- you had to pay Heartbreakers
12 to perform there, right?

13 A Correct.

14 Q I'm sorry?

15 A Correct.

16 Q And you paid a house fee in order to perform
17 at Heartbreakers, right?

18 A Yes.

19 Q And it's true that no one at Heartbreakers
20 ever promoted or advertised your particular services
21 at the club, right?

22 A True.

23 Q Heart -- I take it that Heartbreakers didn't
24 really advertise or promote any of the entertainers at
25 that club, right?

1 A True.

2 Q Inside of the club, it's true that
3 Heartbreakers never gave you like a list of customers
4 that you had to go perform for, right?

5 A No.

6 Q No one assigned you to go meet a quota of
7 how many patrons you needed to perform for on a given
8 night, right?

9 MS. REZAZADEH: Objection; incomplete
10 hypothetical, vague.

11 A No.

12 Q (By Mr. King) Heartbreakers never reimbursed
13 you for things like makeup, attire, shoes, right?

14 A Correct.

15 Q So the bottom line is Heartbreakers paid you
16 \$0 and didn't promote you within the club, right?

17 A Right.

18 MS. REZAZADEH: Objection; assumes
19 facts in dispute.

20 Q (By Mr. King) And you have alleged that
21 Heartbreakers, in fact, forced you to tip other
22 personnel at Heartbreakers, right?

23 A Right.

24 Q Which would include DJs?

25 A Yes.

1 Q You allege that you were forced to tip
2 waitresses?

3 A Yes.

4 Q You allege that you were forced to tip
5 bartenders?

6 A Yes.

7 Q Do you allege that Heartbreakers required
8 you to tip managers?

9 A Indirectly, yes.

10 Q Indirectly how?

11 A Because if I would tip the DJ or pay for --
12 to skip my rotation, they would split that between
13 themselves.

14 Q How -- how did you come to learn that
15 information?

16 A Just because I was there all the time,
17 I -- you know, I just started to notice. Or, you
18 know, like my manager would know if I didn't tip the
19 DJ or things like that.

20 Q Did somebody tell you that the DJs and
21 managers shared in tips?

22 A Yes.

23 Q And who was that?

24 A Girls. Just dancers talked about it.

25 Q Any -- any particular dancers?

1 A No.

2 Q Can you remember the names of any dancers
3 who provided you with that information?

4 A No.

5 Q Do you recall when you first were -- when
6 you first learned about that information?

7 A Probably sometime within the middle of
8 working there, that time frame.

9 Q So in the summer of 2019?

10 MS. REZAZADEH: Objection; calls for
11 speculation.

12 A Something like that.

13 Q (By Mr. King) Something like that? Okay.
14 But I take it you can't recall any specific
15 conversations with any particular dancers about that?

16 A Correct.

17 Q Okay. So kind of back to what we were
18 talking about here about how Heartbreakers didn't pay
19 you any money and you -- you say that you had to pay
20 money to Heartbreakers and various people. How -- how
21 did you make money?

22 A How did I make money?

23 Q Yeah.

24 A By doing my stage sets and giving dances.

25 Q So you -- you sold entertainment, right?

1 A Yes.

2 Q Were you selling your time providing
3 entertainment?

4 MS. REZAZADEH: Objection; vague.

5 A What exactly do you mean?

6 Q (By Mr. King) Sure. You didn't -- since
7 you didn't have any quotas as far as how many
8 customers you had to perform, how would you gauge how
9 much money you would make? Was it like on a
10 time-based increment, per dance, per customer?

11 MS. REZAZADEH: Objection; calls for
12 speculation, compound.

13 A I would say it had to do with really who
14 tipped me or how many dances I gave, but I wouldn't
15 really know the amount I made until the very end of my
16 shift and I got home.

17 Q (By Mr. King) Would it be fair to
18 characterize your work as a dancer at Heartbreakers as
19 basically like a service type of job?

20 MS. REZAZADEH: Objection; vague.

21 A I suppose so, yes.

22 Q (By Mr. King) You were -- you weren't
23 making any goods, right? Like you weren't putting
24 together hamburgers to serve to customers, right?

25 A No.

1 Q You weren't mixing drinks and taking them
2 over to customers, right?

3 A No, but I did help with all of those sales.

4 Q I -- I get it. But the thing that you were
5 selling were your entertainment services, right?

6 A Yeah.

7 MS. REZAZADEH: Objection; asked and
8 answered.

9 Q (By Mr. King) I'm sorry. I didn't hear
10 your answer.

11 A Yes.

12 Q All right. So you mentioned that you
13 performed on stage, right?

14 A Yes.

15 Q During one of your shifts -- or during --
16 let me start over.

17 During your shifts, on average, about
18 how much time have you spent performing on stage?

19 MS. REZAZADEH: Objection; calls for a
20 calculation.

21 A It would always depend on the day of the
22 week and how many dancers were there. But on a
23 weekday, I could be on stage, like, even ten times.
24 And there's floor stages that could be opened as well.

25 Q (By Mr. King) So you said about ten times

1 in a weekday. What about on a weekend day or night?

2 On average, about how many times would you be on
3 stage during a shift?

4 A Probably still close around that same --
5 that same average.

6 Q You said that it could and depend on how
7 many other dancers are there, right?

8 A Right.

9 Q How -- how would that affect how many times
10 you would be on stage?

11 A Well, if there is less dancers, then the
12 rotation list is shorter. So then, you know, it would
13 come back to your rotation more quick.

14 Q So the contrary is true, right, where if
15 there are more dancers at the club, then your name
16 wouldn't be called more frequently, right?

17 A Right.

18 Q If the club had very few customers there --
19 well, let me -- strike that.

20 Did you ever perform at the club when
21 there weren't a lot of customers?

22 A Yes.

23 Q During slow periods, some would say?

24 A Yes.

25 Q Did anyone at Heartbreakers still require

1 you to perform on stage?

2 A Yes.

3 Q Who?

4 A Whitey would require it. Any of -- any of
5 the management or owners, it was required.

6 Q At any time -- or when you were performing
7 at Heartbreakers, did any managers just say there's no
8 point in performing on stage because there's no one
9 here?

10 A No.

11 Q On average how much money would you make by
12 performing on stage?

13 MS. REZAZADEH: Objection; calls for
14 speculation and calculation.

15 A Like -- do you mean, like, if people were to
16 tip me on stage?

17 Q (By Mr. King) Yeah.

18 A It varied. Like very like -- very -- it
19 just varies very extremely. Like, it's not very
20 predictable or steady.

21 Q What -- what things made it so varied? What
22 would affect that variability?

23 A How many people were there, the atmosphere,
24 the music, if people were drinking or not drinking, if
25 it was, like, a slow night or whatnot.

1 Q Sure. Was there anything that you were able
2 to do to affect the amount of money that people would
3 pay when you were on stage?

4 MS. REZAZADEH: Objection; vague.

5 A I just did my best every time.

6 Q (By Mr. King) So when you got on stage, did
7 you just do the same thing every time?

8 MS. REZAZADEH: Objection -- sorry. Go
9 ahead.

10 A Pretty much.

11 Q (By Mr. King) Did you ever try to, I don't
12 know, gauge how you danced based on the audience's
13 reaction?

14 MS. REZAZADEH: Objection; vague.

15 A Yes.

16 Q (By Mr. King) Why so?

17 A Because I want to be a good performer for
18 the club I'm working for.

19 Q Would that increase the amount of money that
20 you made on stage?

21 MS. REZAZADEH: Objection; calls for
22 speculation.

23 A It's not guaranteed.

24 Q (By Mr. King) All right. As we discussed,
25 the club never paid you to dance on stage, right?

1 MS. REZAZADEH: Objection; vague.

2 A Correct.

3 Q (By Mr. King) So the quality of your
4 performance was something that you took into account
5 for the club's sake?

6 A Can you clarify, please?

7 Q Sure. I guess I'm trying to -- what I'm
8 trying to get at is did the quality of your
9 performance affect how much money you made on stage?

10 A I mean, it just really, like, depended.
11 Like I just -- I did the best I could every time and
12 people would either come up and tip me or they
13 wouldn't.

14 Q So the amount of money that you made on
15 stage was totally out of your hands?

16 MS. REZAZADEH: Objection; misquoting
17 the deponent.

18 A I mean, yes. I technically have no control
19 of what people choose to tip.

20 Q (By Mr. King) And -- and so you had no way
21 of encouraging customers to pay -- to pay for stage
22 performances?

23 MS. REZAZADEH: Objection; vague.

24 A I did what I could to, you know, entice
25 people and try to bring in some more tips.

1 Q (By Mr. King) Sure. And I'm just trying to
2 find out what those things were.

3 A Just looking at people, smiling, trying to
4 show that I'm friendly. That's pretty much it.

5 Q How did -- how did you make money off stage?

6 A By either spending time with a regular and
7 being tipped or by giving dances in the booth area.

8 Q Can you explain what a regular is?

9 A A regular would be a regular customer that
10 would come in to the establishment, like, pretty
11 frequently or somebody that I would maybe kind of get
12 to know a little bit.

13 Q So -- and please correct me if I'm
14 misunderstanding you. So is a regular somebody that
15 is appearing -- or that shows up at the club to come
16 see you in particular?

17 MS. REZAZADEH: Objection; misquoting
18 the deponent.

19 A They could be or they could be coming to see
20 multiple girls or some regulars might just go there
21 because they like the drink specials or something.

22 Q (By Mr. King) Sure. So did you have any
23 regulars that came to -- because you were there?

24 A Yes. I had, like, two.

25 Q And what would the -- what would they pay

1 you for?

2 A Dances.

3 Q Anything else?

4 A I would sit and talk with them.

5 Q Talk with them? It's my understanding that
6 exotic -- some exotic dancers get paid pretty much to
7 hang out with the customer, right?

8 A Yeah, sometimes.

9 Q Is that something that you would get paid
10 for?

11 A Yes. But I would have to pay to skip my
12 rotation so I could keep sitting with them.

13 Q I understand. But getting paid -- a
14 customer would pay you to spend time with them on the
15 floor, right?

16 A Correct.

17 Q And how -- how was the amount of money that
18 they would pay you decided?

19 A It would be discussed between me and that
20 person.

21 Q Did you have like a set amount of money that
22 you would ask the customer to pay based on a certain
23 amount of time or how did you gauge that?

24 A I just gauged it based off of I guess our,
25 like, chemistry or, like, if we were just talking and

1 hanging out or what exactly they're looking for or --
2 it was just completely up to whatever we had both
3 decided.

4 Q What -- how much money could you make from,
5 you know, just hanging out with the customer?

6 MS. REZAZADEH: Objection; calls for
7 speculation, incomplete hypothetical.

8 A I mean, it was -- it's really just up to
9 however much that person is willing to tip or give.
10 There's never really like a set amount.

11 Q (By Mr. King) What was the most amount that
12 you -- you can recall?

13 A Maybe like -- maybe like 300.

14 Q 300 for what? Half an hour, hour, five
15 minutes?

16 A Probably like an hour.

17 Q What's the least amount that you've ever
18 been paid for an hour of just hanging out?

19 A I can't really recall.

20 Q Did you ever just hang out with the customer
21 for free?

22 A No.

23 Q Why not?

24 A Because I need to spend my time wisely and
25 make sure I make my money to pay my bills.

1 Q All right. And you're not -- you're not
2 going there to Heartbreakers or any other club for
3 that matter just for the heck of it. You're there to
4 work, right?

5 A Correct.

6 Q Okay. So how would you -- how would you
7 decide, you know, how to spend your time wisely when
8 you were on the floor at Heartbreakers?

9 A Well, if somebody wasn't, like, tipping me
10 for my company in time, then I would decide to move on
11 to the next person.

12 Q You wouldn't -- you wouldn't want to hang
13 around somebody who is basically wasting your time,
14 right?

15 A Correct.

16 Q How did you assess whether somebody was
17 going to pay you for your time?

18 A Talk to them and I can tell, like, you know,
19 usually if somebody is going to pay me, they are
20 very -- like, they do so usually right away.

21 Q Right.

22 A Or they tell me they are and then pay me or
23 whatever.

24 Q Got it. Did you have customers that would
25 often waste your time and just not pay you?

1 MS. REZAZADEH: Objection; vague.

2 A Yes.

3 Q (By Mr. King) Is that frustrating?

4 A Of course it's frustrating. Or it can be
5 frustrating.

6 Q How -- how did you try to avoid that
7 frustration?

8 A By setting boundaries for myself and
9 basically how I told you, you know, if they're not
10 going to be tipping, then I need to move on to the
11 next person.

12 Q Got it. What kind of boundaries would you
13 set?

14 A Boundaries, like, with my time and my worth
15 and not giving my time to customers who are, like,
16 inappropriate or too rowdy or too drunk.

17 Q Got it. Do you know if other dancers took
18 the same approach that we've just been talking about?

19 MS. REZAZADEH: Objection; calls for
20 speculation and vague.

21 A I mean, I don't really know. I'm sure --
22 I'm sure some dancers think that way too.

23 Q (By Mr. King) Have you ever talked to other
24 dancers about their approach towards customers while
25 working on the floor?

1 A I don't typically, like, talk too much to
2 the other dancers, but I've heard conversations and
3 stuff, I suppose.

4 Q Sure. Did Heartbreakers ever tell you how
5 you're supposed to interact with customers one-on-one?

6 A No.

7 Q Did anybody at Heartbreakers ever provide
8 you with pointers on, you know, how to leverage your
9 time with customers?

10 A No.

11 MS. REZAZADEH: Vague.

12 Q (By Mr. King) So is it -- is it true that
13 you basically kind of had to figure it out as you
14 went?

15 MS. REZAZADEH: Objection; vague.

16 A Yes. I had to figure everything out on my
17 own.

18 Q (By Mr. King) All right. You also gave
19 private dances -- well, you also gave dances to
20 customers on the floor, right?

21 A Yes.

22 Q It wasn't just chatting with customers,
23 right?

24 A Right.

25 Q Are you able to kind of give, like, a

1 proportion of time that you were on the floor that you
2 would spend really just chatting with customers versus
3 performing lap dances?

4 MS. REZAZADEH: Objection; vague.

5 A I don't think I understand the question.

6 Q (By Mr. King) Sure. I've talked to some
7 dancers who they don't really perform well at lap
8 dances, they might perform a couple during the shift,
9 and they spend, you know, 70 percent of their time on
10 the floor just talking with customers, and then there
11 are other dancers who do the complete opposite.
12 They're performing lots of lap dances and don't really
13 chitchat. I'm just trying to figure out how you
14 allocated your time.

15 MS. REZAZADEH: Objection; incomplete
16 hypothetical. Is there a question?

17 A I prefer to give dances. It's basically,
18 like, guaranteed money, I suppose.

19 Q (By Mr. King) Why would that be guaranteed
20 money?

21 A Not exactly, like, guaranteed. I don't
22 really think that that was the right word.

23 Q Sure.

24 A But if I had a customer that I know wants a
25 dance and the club has the price set to \$20, then I

1 know if I give that customer a dance, that they're
2 going to give me the \$20.

3 Q Right. You've mentioned that the club sets
4 the dance price?

5 A Yes. They set it to exactly \$20. So I did
6 not, like, decide that price myself.

7 Q Did the club set the -- the price for your
8 time spent chatting with customers?

9 A No.

10 Q That was up to you?

11 MS. REZAZADEH: Objection; asked and
12 answered.

13 A That was up to me and that customer.

14 Q (By Mr. King) Who told you that the price
15 for a table dance was \$20?

16 A I believe that would have been the manager
17 who hired me.

18 Q And who was that manager?

19 A That manager, I believe, was either Damon or
20 Gary.

21 Q That would be Damon Jackson, a guy with an
22 eye patch?

23 A Yes.

24 Q Okay. What did Damon tell you?

25 MS. REZAZADEH: Objection; misquoting

1 deponent.

2 Q (By Mr. King) Or Gary. I mean, I don't
3 know who communicated this to you.

4 A I don't exactly recall, but I just know that
5 it was, like, one of the few things that I was
6 actually, like, verbally told, like, my very first
7 day.

8 Q And do you recall whether it was Gary or
9 Damon who told you this on your very first day?

10 A I do not recall.

11 Q Do you recall what either Gary or Damon told
12 you about \$20 for a dance?

13 A Yes.

14 Q And what was that?

15 A I'm sorry. Can you repeat that?

16 Q Sure. I'm just trying to understand what --
17 what they told you about dance prices.

18 A I just remember that I was told that it was
19 \$20 a song.

20 Q And that was it?

21 A That's all I remember.

22 Q Did -- did anyone tell you that you could
23 charge less than \$20 a song?

24 A No. You can't do that.

25 Q Okay. And who told you that?

1 A I think I just kind of figured that out or
2 it was made clear to me that the price is set to
3 exactly \$20. So to me, you know, that means no more,
4 no less. It's \$20 a song.

5 Q Do you recall if anyone at Heartbreakers
6 specifically told you minimum and maximum is 20?

7 MS. REZAZADEH: Objection; asked and
8 answered.

9 A I don't know. There was -- it was just \$20,
10 and if I were to charge more, then I would get in
11 trouble.

12 Q (By Mr. King) Did that ever happen to you?

13 A No, it did not because I followed that rule.

14 Q How did you find out or come to learn that
15 you got in trouble for charging more than \$20?

16 A Being in the dressing room and hearing other
17 dancers, like, talk about a lot of things like that.

18 Q Do you recall discussing -- discussing this
19 with any particular dancers?

20 A No.

21 Q Do you recall any specific -- well, just
22 tell me, like, what were those conversations like?
23 What were they saying?

24 MS. REZAZADEH: Vague.

25 A I would -- I would just hear, like, you

1 know, girls talking in the dressing room about --
2 maybe they were talking about, like, Oh, so-and-so got
3 in trouble by Whitey because she was caught charging
4 \$25 or a customer would complain and then there would
5 be repercussions for that.

6 Q (By Mr. King) Did you ever verify this kind
7 of grapevine talk with any managers?

8 A No.

9 Q So you were assuming that those dancers were
10 telling the truth?

11 MS. REZAZADEH: Objection; misquoting
12 deponent. I mean...

13 A I mean, yes. I assumed they were telling
14 the truth I don't see why else they would really be
15 talking about that.

16 Q (By Mr. King) Do you have any personal
17 experience with any caps on how much could be charged
18 for a dance?

19 MS. REZAZADEH: Objection; vague.

20 A I -- I don't know. I just know that I was
21 supposed to be charging \$20 a song.

22 Q (By Mr. King) I understand. And here's
23 what I'm getting at, Ms. Kibodeaux, is I'm just
24 trying to understand where that -- where your
25 understanding came from. That's all.

1 MS. REZAZADEH: I think she just --

2 Q (By Mr. King) And it sounds like --

3 MS. REZAZADEH: -- told you the
4 managers told you that. She's already told you that.

5 MR. KING: Don't testify for the
6 witness. I'm not asking her a harassing question.
7 I'm just trying to understand where this came from.
8 And you're not under oath.

9 MS. REZAZADEH: You're asking the
10 question -- you have been asking her the same question
11 for the last five minutes and I don't know how else
12 she can tell you Damon or Gary.

13 MR. KING: Okay. So let's -- let's
14 start over.

15 Q (By Mr. King) I'm just trying to understand
16 where any policy or rule that you attribute to
17 Heartbreakers that you could not charge less than \$20
18 for a dance or more than \$20, where that came from.
19 And is it your testimony that that understanding came
20 from locker room talk?

21 MS. REZAZADEH: Objection; misquoting
22 the deponent and asked and answered.

23 A So no. My manager told me that the set
24 price is 20. And then I was explaining that I had
25 heard some dancers talking about their own personal

1 experiences and basically, like, just saying, like,
2 the price is just \$20.

3 Q (By Mr. King) Did you ever accept more than
4 \$20 for a dance?

5 A No.

6 Q Did you ever accept less than \$20 for a
7 dance?

8 A No.

9 Q Do you know of any dancers that accepted
10 more than \$20 for a dance?

11 A No.

12 Q Did you ever ask any other dancers if they
13 accepted more than \$20?

14 A No.

15 Q So you don't have any personal knowledge
16 based on conversations with any particular dancers
17 about this policy that I just gave you?

18 MS. REZAZADEH: Objection; vague and
19 asked and answered.

20 A I just know my managers told me it's \$20 a
21 song, so I assumed since that was my manager telling
22 me, that that is the set rule and that that's expected
23 of me, to charge exactly \$20.

24 Q (By Mr. King) All right.

25 MS. REZAZADEH: Can we take a break?

1 Use the bathroom.

2 MR. KING: Yeah. I have no problem
3 with that.

4 MS. REZAZADEH: It's been, like, an
5 hour and a half.

6 MR. KING: Sure.

7 (Break.)

8 Q (By Mr. King) All right, Ms. Kibodeaux. We
9 just came back from a little break. Are you ready to
10 proceed?

11 A Yes.

12 Q Okay. And I forgot to ask at the beginning
13 of the deposition, and I don't want you to be offended
14 by it. This is kind of a standard question. Are you
15 under the influence of any medications or drugs that
16 might affect your ability to recall events from 2019?

17 A No.

18 Q So nothing would impair your memory, right?

19 A No.

20 Q As a dancer at Heartbreakers, how would you
21 describe your workload?

22 A My work what?

23 Q Your workload.

24 A My workload?

25 Q Uh-huh.

1 A I would describe it as heavy.

2 Q Why was it heavy?

3 A Because after I started working there, I
4 started seeing -- or started noticing all -- all the
5 money that they were making off of me and the other
6 dancers. They started adding on extra fees out of
7 nowhere. I can give -- a good example of that would
8 be --

9 Q Well, I -- I guess my question was: Why was
10 your workload heavy as a dancer?

11 MS. REZAZADEH: Objection; vague.

12 A I guess can you clarify what exactly you
13 mean by workload?

14 Q (By Mr. King) Sure. We both agree that
15 exotic dancing is -- is work, right?

16 A Correct.

17 Q You're dancing for customers, you're
18 chatting with customer, you're performing on stage.
19 People might think otherwise, but it is, in fact, a
20 job --

21 A Of course.

22 Q -- right?

23 A Yes.

24 Q Of course. And you were -- and customers
25 would pay you money to do your job, right?

1 A Yes.

2 Q And -- and in every job, you're producing
3 something or spending your time doing something and
4 that's your workload. So sometimes I have tons of
5 things that I have to do and I'm in the office all
6 day. Other days are slower. So I'm just trying to
7 figure out what a workload for a dancer looks like
8 based on your experience.

9 A My workload would be coming into work and
10 spending hours of my shift doing my stage rotations --

11 Q Uh-huh.

12 A -- making the money I can make and then
13 having to make sure I also tip out everybody from that
14 money I've made.

15 Q Right. But tipping other people isn't part
16 of your workload, right? Because you're paying other
17 people. I'm just trying to figure out, you know, you
18 said performing on stage, part of your workload as a
19 dancer?

20 A Yes.

21 Q What other -- what other things factored
22 into your workload?

23 A So performing on stage, performing for the
24 customers, helping the club make money, so they could
25 stay open.

1 Q How would you help the club make money?

2 A By showing up to work every day, doing my
3 best, getting customers to drink more. Basically
4 helping the whole atmosphere of the club keep going
5 and keeping the customers coming back.

6 Q Did you -- you decided which customers to
7 perform for on stage --

8 A Yes.

9 Q -- or off stage, rather? I'm sorry.

10 A Off stage, yes.

11 Q Off stage. Was that something you took into
12 account in, you know, assessing your workload?

13 MS. REZAZADEH: Objection; vague.

14 A Well, I would go up to every customer, at
15 least say hi. So really it was, like, a gamble, I
16 guess, of seeing who I really spend time with.

17 Q (By Mr. King) Because you wanted to find as
18 many customers as possible to perform for, right?

19 A Yes.

20 Q Were there ever instances in which you were
21 able to perform for more than one customer at a time?

22 A What do you mean by that?

23 Q On the floor -- sorry. Were there ever
24 instances in which you would have two paying customers
25 who you would perform for at the same time?

1 A I suppose so, yes, like if a group of people
2 were to come in --

3 Q Uh-huh.

4 A -- and if more than one person was
5 interested, then I've had occasions like that.

6 Q And would each one of those customers pay
7 you for -- for your time?

8 A Possibly, yes.

9 Q So did you ever have an occasion in which
10 you would perform, you know, one song and Customer 1
11 and Customer 2 both pay you \$20 for that song?

12 A No. I would only give a dance to one
13 customer at a time.

14 Q Got it. So in what instances would you be
15 paid by, you know, more than one customer at a time?

16 A If I were to walk up to some people on the
17 floor and, like, say hi and all that stuff, if they
18 decided they wanted to give me a couple dollars each
19 or something, it would be that kind of situation.

20 Q Okay. Would you decide how long to perform
21 for each customer?

22 A How long what?

23 Q How long you would -- you would decide to
24 perform with each customer.

25 A It would just depend on how everything was

1 going or how much they're paying and how they're
2 paying as well.

3 Q What do you -- what do you mean how they
4 were paying?

5 A Because some customers would come in with
6 cash.

7 Q Uh-huh.

8 A Other customers would have credit cards that
9 they would have to use.

10 Q Yeah.

11 A And the credit cards would transfer into,
12 like, Heartbreaker funny money, basically, and so
13 every \$25 funny-money bill, the club would deduct
14 money from that.

15 Q Sure. So your preference was for customers
16 who had cash in hand?

17 A Yes.

18 Q And did you ever turn down customers who
19 only had a credit card on them?

20 A No.

21 Q Not -- not once?

22 A No.

23 Q Did you -- and so you accepted the dance
24 dollars, right?

25 A Yes.

1 Q Did anyone ever tell you that you had to
2 accept dance dollars?

3 A No. Nobody told me that. I just accepted
4 it because I had to.

5 Q Because you had to make money?

6 A Yes. I mean, like, I -- I had to accept it,
7 you know, so I could get what I can from that and try
8 to pay my bills.

9 Q Got it. So is it fair to say that it was --
10 it was up to you to find consistent work within the
11 club when you were performing off stage?

12 MS. REZAZADEH: Objection; vague.

13 A Can you clarify, please?

14 Q (By Mr. King) Sure. Earlier we were talking
15 about how no one at the club never gave you like a
16 list of customers that you had to perform for, right?

17 A Right.

18 Q It probably would have been nice if they
19 had, right?

20 A Possibly.

21 Q Possibly? Maybe. It would at least be
22 guaranteed work, though, right?

23 MS. REZAZADEH: Objection; vague.

24 A Maybe.

25 Q (By Mr. King) Maybe? Okay. So no one at

1 Heartbreakers helped you find customers to perform
2 for, right?

3 MS. REZAZADEH: Objection; vague.

4 A No. Nobody, like, gave me any guidance.
5 They didn't -- nobody was ever like, "Hey, go talk to
6 this person," or nothing like that.

7 Q (By Mr. King) Right. So if -- it was --
8 Heartbreakers left it up to you to find consistent,
9 paying customers in the club, right? I see your
10 counsel shaking her head.

11 MR. KING: Do you disagree with me,
12 Counsel?

13 MS. REZAZADEH: Objection; asked and
14 answered.

15 MR. KING: Well, I didn't get an
16 answer.

17 Q (By Mr. King) I'm just trying to find out.
18 I mean, it is what it is. Was it left up to you to
19 find consistent, paying customers in the club?

20 MS. REZAZADEH: Objection; vague.

21 A I suppose so, yes. I had to go and talk to
22 everybody and see who had money.

23 Q (By Mr. King) That's all I was asking.

24 Did anyone at Heartbreakers ever limit
25 the amount of time that you could spend with a

1 customer on the floor aside from, you know, if your
2 name gets called for the stage rotation?

3 A No.

4 Q So the amount of time that you allocated, as
5 you've been explaining to me, to each customer on the
6 floor was up to you?

7 A Yes. To a degree. Because I'm -- I mean, I
8 was on stage for a lot of my shift.

9 Q Sure. Did you ever ask any DJs or managers
10 if you were with a good, paying customer, like, "Hey,
11 I need to skip me"?

12 A I mean, it would -- I would have to pay
13 them.

14 Q But did you ever ask?

15 A Yes.

16 Q Okay. And -- and who did you ask? Can you
17 remember an instance?

18 A Yes. I had asked the DJ before so I could
19 keep sitting with a customer --

20 Q Uh-huh.

21 A -- a few times. Yeah, several instances, I
22 did do that. And then it would also be \$20 fees,
23 like, if I wanted to leave early then they would,
24 like, look at the rotation and calculate, like, how
25 many more times on stage I would have been up and they

1 would charge me 20 times for every rotation for
2 leaving early.

3 MR. KING: I'll object to the
4 nonresponsive portion.

5 Q (By Mr. King) I was just asking you if you
6 ever approached a DJ or a manager to say, "Hey, I'm
7 with this customer, skip me."

8 MS. REZAZADEH: You asked her if there
9 was a specific instance --

10 Q (By Mr. King) And I was asking if there's a
11 specific instance that you can recall where they
12 said, "Okay."

13 And so that's -- can you recall a
14 specific instance in which that happened?

15 A Yes.

16 Q Okay. And did you -- did they say, "Okay.
17 Well, now you have to pay me \$20"?

18 A Yes.

19 Q And who -- who -- who told that to you?

20 A The DJ.

21 Q Okay. Do you recall the DJ's name?

22 A All of them.

23 Q At the same time?

24 A No. The -- there were several instances.

25 It didn't matter who the DJ was. If you're going to

1 skip, you've got to pay that DJ the \$20.

2 Q Right. And there was no leeway in that for
3 you, right?

4 A No.

5 Q Okay. Do you know if the DJs ever, I don't
6 know, played favorites with some -- some of the
7 dancers?

8 A I have no idea.

9 Q You don't know what other dancers'
10 experiences with -- with this system might have been
11 like?

12 MS. REZAZADEH: Objection; assumes
13 facts in dispute.

14 A I -- I just knew to pay the DJ the fees and
15 tips if I wanted a pleasant work shift.

16 Q (By Mr. King) Got it. Are you aware of
17 whether other -- other performers had this same
18 requirement in place?

19 A I'm assuming it was required for every
20 single dancer to pay their same fees.

21 Q And what -- what are you basing your
22 assumption on?

23 A Well, I -- I -- actually, I take that back.
24 It's not an assumption. It's like a fact.

25 Q Where did that fact come from or that

1 knowledge?

2 A Being told so by the DJ and management, that
3 that's what you're supposed to be doing.

4 Q Which -- which manager told you this?

5 A I'm assuming any of them or Whitey or -- it
6 was something that was, like, repetitive.

7 Q Sure. And I'm just trying to understand who
8 was communicating this information to you.

9 MS. REZAZADEH: Objection; asked and
10 answered.

11 A I mean, basically everybody was relaying
12 that information to me.

13 Q (By Mr. King) Okay. Did Carl Arceneaux
14 communicate that information to you?

15 MS. REZAZADEH: Objection; vague.

16 A Who is Carl?

17 Q (By Mr. King) He's -- he's one of the
18 daytime managers.

19 A I don't know. I didn't really work daytime.

20 Q Did Gary Wasek ever communicate this
21 information to you?

22 MS. REZAZADEH: Objection; vague.

23 A Yes.

24 Q (By Mr. King) Okay. Can you kind of set
25 the scene for me and explain what he told you?

1 A I mean, not really, no.

2 Q What about Whitey? Can you remember an
3 instance where he said, "Hey, you've got to" --
4 "You've got to go pay your stage fee"?

5 A Well, they were always watching and always
6 on it. So they would know and, like, check in with
7 the DJ to make sure I paid my fee or I -- I couldn't
8 leave without paying my fee. You know, I would have
9 to wait for a slip. So everybody would have to
10 approve of that slip before I could go.

11 Q Right. I just want to make sure we're on
12 the same page. I'm not -- I'm not talking about
13 leaving the club. I'm just talking about saying,
14 "Hey, I'm with a customer, I don't want to get up on
15 stage right now," and having some manager tell you,
16 "Okay. Well, you need to pay the DJ"?

17 A Yes. I would be told that at least at the
18 end of the night. Like, "Hey, did you pay the DJ?"

19 Q Okay. Is exotic dancing the type of work
20 that would allow you to hire any help?

21 MS. REZAZADEH: Objection; vague.

22 A I'm sorry. Can you repeat that question?

23 Q (By Mr. King) Sure. Is -- as an exotic
24 dancer at Heartbreakers, was there any way for you to
25 hire any helpers?

1 A Hire any helpers?

2 Q Uh-huh.

3 A Helpers for what?

4 Q To provide your entertainment services.

5 A No.

6 Q You can't really farm out your exotic
7 dancing to somebody else, right?

8 MS. REZAZADEH: Objection; vague.

9 A I just know I'm responsible for my own -- my
10 own self and my own entertainment services for the
11 club.

12 Q (By Mr. King) Okay. Did you ever have --
13 have like a fellow dancer who you would partner up
14 with to perform for a customer?

15 A On occasion, yes.

16 Q How did that work?

17 MS. REZAZADEH: Objection; vague, calls
18 for a narrative.

19 A We would just go up to a group of people
20 together and talk to them.

21 Q (By Mr. King) All right. Would you both
22 provide lap dances for these groups of people at the
23 same time?

24 A Every once in a while, yes.

25 Q And did you ever split the money that those

1 customers paid with, you know, another dancer who you
2 were performing with?

3 MS. REZAZADEH: Objection; incomplete
4 hypothetical.

5 A Well, we would each be given separately
6 our -- what we were supposed to be paid by the
7 customer.

8 Q (By Mr. King) Okay. So there was never an
9 occasion in which you would perform for a customer or
10 a group of customers with another dancer and they
11 would just give both of you like a lump sum?

12 A No. We would be like -- if I -- if me and
13 somebody danced for somebody, well, then we each get a
14 \$20 for that dance.

15 Q Okay. What about just hanging out with the
16 customer?

17 A No.

18 Q Never -- never tag-teamed it with another
19 dancer?

20 A No.

21 Q Did you ever perform on stage with another
22 dancer?

23 A No.

24 Q Did you ever try?

25 A That's not allowed there.

1 Q It was not allowed?

2 A No. I would get fired.

3 Q And who told you that?

4 A The management.

5 Q Which -- which manager?

6 A Whitey, I assume.

7 Q Do you recall when Whitey told you that?

8 A I do not recall, like, a specific date or
9 anything --

10 Q Uh-huh.

11 A -- but I do know that I was curious if that
12 was allowed or not and I was told it's not allowed.

13 Q So you recall a time when you asked Whitey,
14 "Hey, can I perform with another dancer on stage?"

15 A Yes.

16 Q Do you know if that was Whitey's rule or if
17 other managers saw it differently?

18 A It was the club -- the whole club's rule.

19 Q Did you ever ask any other managers about
20 that?

21 A No.

22 Q So you don't know one way or the other if
23 another manager would have permitted that?

24 A I'm very sure they wouldn't permit that.

25 Q Okay. Is that because of something Whitey

1 told you?

2 A Well, I know -- I mean, if Whitey says it,
3 then it's basically like written in stone.

4 Q Why is that?

5 A Because he's very in charge of a lot of
6 things.

7 Q Like what sort of stuff?

8 A I mean, I believe he's, like, even a -- a
9 co-owner, I think, or something of the club. But
10 either way, I knew he was kind of like the head
11 manager, so -- even the other managers would listen to
12 him.

13 Q Did anyone at Heartbreakers train you how to
14 dance?

15 A No.

16 Q And as you said, no one at Heartbreakers
17 trained you how to interact with customers either,
18 right?

19 A Correct.

20 Q So since no one told you how to dance,
21 did -- or train you how to dance, rather, was the
22 manner in which you performed as a dancer left up to
23 you?

24 A In some ways, yes.

25 Q Okay. In what ways?

1 A Like the style that I dance.

2 Q Uh-huh.

3 A But I would have to make sure that I was in
4 an outfit that they liked or approved of and I
5 couldn't dance onstage with anybody else. Just the
6 style of dancing is what I controlled.

7 Q Does -- is -- does exotic dancing require
8 any skill?

9 A Not really.

10 Q What about just being a performer? Because
11 it's more than just dancing, right?

12 A Correct.

13 Q We've talked a lot about how it's also a lot
14 of social interaction. Does that require any skill?

15 A Not really, no.

16 Q So you would tell somebody if they're asking
17 about your job that it doesn't require any skill,
18 right?

19 A Pretty much, yes.

20 Q Can anyone just become an exotic dancer?

21 A Yes.

22 Q I'm going to send you an exhibit. Let me
23 see. I'll give your counsel an opportunity to review
24 it.

25 MR. KING: Let me know when you've had

1 a chance to review it.

2 MS. REZAZADEH: I mean, have you -- why
3 haven't you produced this in discovery? It's kind of
4 blindsiding her -- or blindsiding us, something that
5 is discoverable and responsive, I'm pretty sure.

6 MR. KING: Well, I'm pretty sure I
7 asked for it in our document request, but it wasn't
8 in, right?

9 All right. Let's -- can we mark this
10 as Exhibit 2?

11 (Marked was Kibodeaux Exhibit No. 2.)

12 Q (By Mr. King) Okay. Do you recognize this
13 posting, Ms. Kibodeaux?

14 A What?

15 Q Do you -- do you recognize this Facebook
16 post?

17 A What post?

18 Q Are you not able to see it?

19 A I don't see anything.

20 Q Oh, I'm sorry.

21 Can you see that?

22 A Uh-huh.

23 Q Okay. Is -- is this a Facebook post that
24 you wrote?

25 A Yes.

1 Q Okay. And this Facebook post appears on --
2 on your Facebook page, right?

3 A Yes.

4 Q All right. Does it appear to be altered in
5 any way, the text at the top?

6 A No.

7 Q You write that, "No one wants to give you
8 their hard-earned money unless you are worth the
9 investment."

10 Are you talking about dance -- dance
11 customers?

12 MS. REZAZADEH: Objection; vague.

13 A I was mostly talking about sugar babies.

14 Q (By Mr. King) What's a sugar baby?

15 A What do you mean?

16 Q I don't know. What's a sugar baby? I
17 always thought it was like a flying squirrel. Or is
18 that a sugar glider?

19 A A sugar baby is somebody who hangs out with
20 older men usually and is paid, et cetera, but not
21 dancing.

22 Q Okay. So in this post, are you addressing
23 any aspect of your work as an exotic dancer?

24 A It -- it's basically just saying like if
25 you're in the industry, you just have to do your part.

1 But I mean, it's not really, like, hard or
2 challenging.

3 Q But if you're -- if you're -- if you're
4 dancing, camming, or sugaring, you have to look the
5 part, right?

6 A Yeah.

7 Q And you've got to play the part too, right?

8 MS. REZAZADEH: Objection; vague.

9 Q (By Mr. King) What -- what do you mean by
10 "play the part"?

11 A Like do your job.

12 Q In what ways?

13 A Like if you're dancing, then you're supposed
14 to show up to work with your makeup on and talk to
15 customers.

16 Q How do you show customers that you are worth
17 the investment?

18 A By being a good dancer.

19 Q Anything else?

20 A No.

21 Q Are some dancers not good dancers?

22 A What?

23 Q Are some dancers not good dancers?

24 A I don't know.

25 Q Are some dancers not worth the investment?

1 Some customers.

2 A Possibly.

3 Q Do you know of any?

4 A No.

5 Q Did you ever see any at Heartbreakers?

6 A Not that I can really think of.

7 Q Did you ever have an experience where
8 somebody didn't want to give you their hard-earned
9 money because you didn't do your job --

10 MS. REZAZADEH: Objection; vague.

11 Q (By Mr. King) -- at Heartbreakers?

12 A What exactly do you mean?

13 Q Well, I'm just trying to figure kind of what
14 the -- you know, where your thoughts in this post are
15 coming from.

16 A I -- I honestly don't know. That was a long
17 time ago. I don't know what exactly...

18 Q You say that, "Don't make this industry
19 cloudy."

20 Which industry are you referring to?

21 A The sugar baby industry.

22 Q The -- and the sugar babies are the --
23 again, correct me if I'm wrong, hang out with older
24 men who pay them for their time?

25 A Sometimes, yes.

1 Q Would you -- would you consider yourself as
2 a dancer a sugar baby at all?

3 A No.

4 Q Okay. Are you -- so you're not part of the
5 sugar baby industry?

6 A No.

7 Q Okay. What do you mean by, "You need to go
8 to Walmart"?

9 A I don't know.

10 Q You wrote it.

11 A I did write it, but I mean, I don't -- that
12 was a long time ago. Like...

13 Q I'm not trying to -- look, I'm really not
14 trying to embarrass you. I'm just trying to
15 understand what you're writing here.

16 A I mean, I -- I'm being honest. Like, I
17 really don't know. I -- I've put all kind of -- I
18 don't know.

19 Q I get it. I've got Facebook posts that go
20 back 12 years where I -- if I look at them, I go I
21 can't believe I wrote that. I understand. Trust me.

22 Are you saying in this post that if
23 you're not willing to put in the work as a dancer, you
24 need to go get a job at a place like Walmart,
25 basically?

1 MS. REZAZADEH: Objection; asked and
2 answered.

3 A I'm really just saying, like, don't scam
4 people.

5 Q (By Mr. King) Do dancers scam people?

6 A I don't know. All kinds of people scam
7 people.

8 Q Have you ever scammed anybody?

9 A No.

10 Q Good. "Being kind of pretty doesn't get you
11 a whole lot." What do you mean by that?

12 A Like, looks aren't everything.

13 Q For -- for a dancer, your appearance isn't
14 the end-all be-all as far as making money, right?

15 A It plays a part in it.

16 Q Sure. I mean, you would be naive to say
17 that exotic dancing isn't an appearance-based job,
18 right?

19 A Right.

20 Q You attract men based on your physical
21 appearance, true?

22 A True.

23 Q There are -- but there are other things
24 about yourself that you can use to attract customers,
25 right?

1 A Correct.

2 Q What are those things?

3 A Your personality.

4 Q What else?

5 A How you work.

6 Q What do you mean "how you work"?

7 A Like show up to work ready to work.

8 Q Not just sitting around, right?

9 A Right.

10 Q You're not going to make any money if you
11 just sit around as a dancer, right?

12 A Right.

13 Q And you're not going to make very much money
14 as a dancer if your appearance is totally off-key,
15 right?

16 A Sometimes.

17 Q Sometimes?

18 A Yeah.

19 Q Is that often?

20 A I mean, I've seen dancers look all kinds of
21 ways and still make money.

22 Q At Heartbreakers?

23 A Yeah.

24 Q Okay. Do you think that exotic dancing is a
25 good way to make money?

1 A I mean, yes. It can be.

2 Q Do you have any business ventures aside from
3 exotic dancing?

4 A Do I have any what?

5 Q Business ventures. And I'm referring to
6 this sentence where you say, "Do you want money for a
7 McDouble or money for your career and business?"

8 A Like spend your money wisely.

9 Q Right. You want to reinvest in yourself,
10 true?

11 A True.

12 Q How -- have you invested any of the money
13 that you've made as a dancer at Heartbreakers back
14 into yourself in any way?

15 MS. REZAZADEH: Objection; assumes
16 facts not in evidence, calls for speculation.

17 A Yes. I spend a lot of money investing in
18 myself to work.

19 Q (By Mr. King) In what ways?

20 A Like hair, makeup, exercise, fitness,
21 dancewear.

22 Q During your time at Heartbreakers, do you
23 have a ballpark idea of how much money you spent on
24 the items you've just summarized?

25 A I mean, like, several hundred.

1 Q Several hundred dollars?

2 A Yeah. If not more.

3 Q If not more? More than a thousand?

4 MS. REZAZADEH: Objection; calls for
5 speculation, calculation, incomplete hypothetical.

6 A I have no idea.

7 Q (By Mr. King) And earlier you told me you
8 don't have any records of how much you might have
9 spent on the investments that we're talking about
10 right now, right?

11 MS. REZAZADEH: Objection; misquoting
12 the deponent.

13 Q (By Mr. King) Correct me if I'm wrong. I
14 can't remember -- I honestly can't remember if I
15 asked you that question.

16 A Can you repeat it, please?

17 Q Sure. Do you have any records of how much
18 money you invested in things like attire, makeup,
19 beauty regimen, gym memberships? Did you ever tally
20 that up?

21 MS. REZAZADEH: Objection; vague.

22 A No.

23 Q (By Mr. King) Okay. No?

24 A (Moving head from side to side.)

25 Q How much -- how much do things like the big

1 high heels cost?

2 A At least 100.

3 Q At least 100? All right. How much does
4 your makeup run a month?

5 A Like -- I really -- I don't know. I don't
6 have an idea.

7 Q You have no idea?

8 A I just know it's a lot.

9 Q Okay. Do you know about what other dancers
10 paid for their attire, makeup, beauty regimens, what
11 they paid?

12 MS. REZAZADEH: Objection; calls for
13 speculation.

14 A I truly have no idea. It's probably a lot
15 and around the amount I spend, I'm sure.

16 Q (By Mr. King) We just -- we would have to
17 go and ask those other dancers, right?

18 A Huh?

19 Q We would have to go and ask those other
20 dancers about their -- their investments, right?

21 A Right. There's no way for me to know.

22 Q Let me see. Here we go. All right. I'm
23 going to send you some of the photographs that you
24 have produced.

25 MR. KING: Can we mark this one as

1 Exhibit 3?

2 (Marked was Kibodeaux Exhibit No. 3.)

3 Q (By Mr. King) Okay. And this is -- this is
4 documents labeled Kibodeaux 009, 10, 12, 13, 14, 17,
5 18, 19, 20, 21.

6 Ms. Kibodeaux, are -- do you have
7 access to the file that I just dropped in here?

8 A Is it in the little chat?

9 Q Yeah.

10 A Yes, but I -- I can't see it and it's not my
11 computer, so I don't know --

12 Q Okay. I'll help you out.

13 All right. Can you see my screen?

14 A Yes.

15 Q Okay. I'll scroll through them so you have
16 an opportunity to see what I'm talking about, okay?

17 A Right.

18 Q Do you recognize these pictures?

19 A Yeah.

20 Q Are these pictures that you took?

21 A Yes.

22 Q The first picture is a pile of cash. Was
23 this taken at Heartbreakers?

24 A Yes. In the dressing room.

25 Q Okay. Is this your money?

1 A Yes.

2 Q Did you earn that money by performing on
3 stage?

4 A Yes. It looks like it.

5 Q You have a 20 there, right?

6 A Uh-huh. Yes.

7 Q Okay. And you've got some of the dance
8 dollars, right?

9 A Right.

10 Q For the \$1 dance dollars, did the club take
11 any portion out of that if you redeemed it?

12 A If it exceeded a certain amount, then they
13 would start deducting.

14 Q What was that amount?

15 A I believe, like, once you hit 25, they
16 start, like, taking -- taking some of it.

17 Q Do dancers ever trade dance dollars with
18 each other?

19 A I think some did, but I'm not -- I don't
20 really know.

21 Q Sure. Did you ever tip a waitress with
22 dance dollars?

23 A No.

24 Q All right. You kept all the dance dollars
25 you got and traded them in, true?

1 A True.

2 Q Okay. Is this pile of cash kind of the --
3 an average amount that you would make for a stage
4 performance?

5 MS. REZAZADEH: Objection; calls for
6 speculation.

7 A I mean, no, not really.

8 Q (By Mr. King) Is it a smaller number?

9 A I don't remember -- I don't remember, like,
10 what exactly that pile is from. It looks like it was
11 from stage money, but it wasn't always like that, you
12 know...

13 Q It could have been smaller?

14 A Uh-huh. Yes.

15 Q It could have been more?

16 A Yes.

17 Q Okay. So this is not necessarily a
18 representative of what -- what kind of sums you would
19 get after a stage routine, right?

20 A Right.

21 Q Okay. Next picture is -- are some bundles
22 of fifties, \$50.

23 A Yes.

24 Q Okay. And you took this picture as well?

25 A Yes.

1 Q Was this in the club?

2 A Yes.

3 Q Were -- is that your money?

4 A Yes.

5 Q Who gave you that money?

6 A I believe that was from one customer for
7 giving dances.

8 Q That's a pretty good haul.

9 A Huh?

10 Q I said that's a pretty good haul.

11 A Oh, yes.

12 Q How many dances did you have to give for it?
13 I don't know. It looks like at least \$200.

14 A Something like that, I'm sure.

15 Q Maybe you didn't hear my question. How many
16 dances did you have to give for, it looks like, a
17 minimum of \$200?

18 A Oh, I don't know the math for that, but it's
19 \$20 a song. We might have gone to VIP.

20 Q In the VIP were dances \$20?

21 A Yes.

22 Q And you say that that's a club rule, right?
23 It also applied in the VIP area?

24 A Yes.

25 Q Okay. Do you -- do you recall actually

1 taking this picture and the circumstances behind it?

2 A No.

3 Q No? So you can't say one way or the other
4 what you actually got paid over \$200 for?

5 A No, but I mean, like, I know it was for,
6 like, dancing.

7 Q Sure. And you don't recall how many dances
8 you actually performed for this sum of money?

9 A Correct. Correct.

10 Q Do you recall if it was, like, at least 10
11 dances?

12 MS. REZAZADEH: Objection; asked and
13 answered.

14 A It is probably something around that.

15 Q (By Mr. King) It could have been more,
16 could have been less?

17 A Possibly, yes.

18 Q Next picture, this is Kibodeaux 12. That is
19 you depicted in this picture, true?

20 A Yes.

21 Q And who took the picture?

22 A My old friend at that club did.

23 Q Who was your old friend?

24 A She danced by Krystal.

25 Q Is her -- is her name Leah Christine Hughes?

1 A Yes. I think.

2 Q Is this blonde woman here your friend?

3 A Yes.

4 Q Who goes by Krystal?

5 A Yes.

6 Q Obviously this picture was not taken in

7 1998, right?

8 A Right.

9 Q Okay. I just wanted to make sure you don't
10 have a time machine or anything.

11 Did anyone at the club tell you you
12 can't wear black lipstick?

13 A I was allowed to wear black lipstick.

14 Q Did anyone at the club ever tell you you
15 can't wear fishnets?

16 A No. They told me that I couldn't wear other
17 things, though.

18 Q But not fishnets, right?

19 A I could wear fishnets.

20 Q Did anyone at the club ever tell you that
21 you couldn't have plug-style earrings, it looks like?

22 A That was allowed.

23 Q Those are plugs, right?

24 A Yes.

25 Q Okay. Did anyone at the club ever tell you

1 that you can't have kind of the long -- I don't know
2 what they're called -- glued on fingernails, acrylic?

3 A Those were allowed.

4 Q In this photograph are you -- is any part of
5 your appearance disallowed by the club?

6 A Not in this picture.

7 Q Okay. What about your makeup? Did anyone
8 have a problem with your makeup?

9 A No. Because I always came to work with my
10 makeup done.

11 Q Right. What about your -- the -- the fake
12 eyelashes? Did anyone have a problem with those?

13 A No.

14 Q So I just want to make sure. There's
15 nothing in this photo that's breaking any rules that
16 you're aware of at the club?

17 A No. It's just a picture of me.

18 Q Got it. Next photo is -- that's you on the
19 left and Krystal on the right, correct?

20 A Correct.

21 Q Okay. And this is Kibodeaux 13. Where is
22 this picture taken?

23 A Somewhere in the dressing room.

24 Q At Heartbreakers, right?

25 A Yes.

1 Q Okay. Were -- did the club have any rules
2 about not taking photographs in the dressing room?

3 A Yes.

4 Q What kind of rules?

5 A We were not supposed to take any -- we were
6 not supposed to take any pictures at work, I don't
7 think.

8 Q But you did, right?

9 A Yes.

10 Q Okay. Did anyone -- did Whitey come and
11 tell you don't do that after this picture was taken?

12 A No, not that time, but he -- I had seen him
13 get on to a lot of girls before and he had gotten on
14 to me before too.

15 Q Do you recall about when this picture was
16 taken, by any chance?

17 A I know I was 20 because I have a wristband
18 on that says I can't drink. So around that time.

19 Q Your birthday is in July, right?

20 A August.

21 Q August. So can you give me a time frame for
22 when this picture might have been taken?

23 MS. REZAZADEH: Objection; asked and
24 answered.

25 A Like two or so years ago.

1 Q (By Mr. King) Do you still have this
2 picture on your phone?

3 A No. That was a completely different phone.

4 Q It was a completely different phone? How
5 long after you started working at Heartbreakers in
6 January 2019 do you think this picture might have been
7 taken?

8 MS. REZAZADEH: Objection; asked and
9 answered.

10 A I have no idea.

11 Q (By Mr. King) Okay. You've got it looks
12 like a different hairstyle going on in this picture
13 versus the one on Kibodeaux 12. Did you change your
14 hair whenever you showed up?

15 A It just kind of looks short in that picture,
16 but it's the same hair.

17 Q Oh, okay. Your friend is wearing it looks
18 like knee-high boots/high heels. Is she breaking any
19 rules at the club?

20 A No. She was in dress code.

21 Q Okay. Is your attire on Kibodeaux 13 in
22 violation of any -- any rules or restrictions?

23 A No, not this outfit.

24 Q Okay. Kibodeaux 14, it's a photo captioned,
25 "My BFF at the club."

1 Is that also Krystal?

2 A Yes.

3 Q Were there any restrictions about taking
4 selfies on the floor?

5 A Yes. It was just -- like, we weren't
6 supposed to take pictures at all, so...

7 Q But you did, right?

8 A Yes.

9 Q Okay. Were you worried about any
10 repercussions after taking this photograph?

11 A I don't think so. I didn't really know that
12 we weren't allowed to take pictures on the floor until
13 later on.

14 Q Do you know about when this picture was
15 taken?

16 A I have no idea.

17 Q So at this time are you saying whenever this
18 picture was taken, you weren't aware of the -- any
19 policies against taking selfies on the floor?

20 A Right. Because I stopped taking selfies on
21 the floor after I had gotten on to and after I had
22 seen him get on to other girls.

23 Q Okay. On Kibodeaux 17, that is you also
24 taking a -- I presume you took this as a selfie,
25 right?

1 A Yes.

2 Q Okay. And this was taken in the
3 Heartbreakers dressing room?

4 A Yes.

5 Q Okay. And here you have -- I don't know.
6 Are -- do you have extensions in?

7 A Yes.

8 Q Did anyone have a problem with putting on
9 extensions?

10 A No.

11 Q Or wearing bangs?

12 A No.

13 Q Did anyone have any issue with the manner in
14 which you did your makeup in this photograph?

15 A No.

16 Q No one cared about your nail polish choices
17 either?

18 A No.

19 Q Okay. Kibodeaux 18, this is another selfie
20 taken in the Heartbreakers dressing room, true?

21 A Yes.

22 Q Okay. Do you recall about when you took
23 this photograph?

24 A Maybe not.

25 Q Do you have any kind of time context for it?

1 MS. REZAZADEH: Objection; asked and
2 answered.

3 A Yeah. I really can't -- I can't tell you
4 when I took it.

5 Q (By Mr. King) So it could have been when you
6 first started at Heartbreakers in January 2019 or it
7 could have been after that?

8 A Well, it would have been after that.

9 Q Sure. That was a stupid question. It was
10 at some point in 2019, you just can't say when?

11 A Correct.

12 Q Why -- why did you -- do you recall why you
13 felt moved to take this selfie?

14 A I felt cute.

15 Q Okay. Fair enough. Do you know if this was
16 at the beginning or end of your shift?

17 A This was at the end of my shift, I'm pretty
18 sure.

19 Q Okay. Because you've got a black T-shirt
20 on?

21 A Right.

22 Q So you're getting ready to go take off, go
23 home in this picture?

24 A Yes. That's what I think.

25 Q So did you -- you took this picture because

1 you were feeling good about yourself, not because of
2 the sign, right?

3 A Right.

4 Q Okay. Do dancers leave the locker room a
5 mess ever?

6 A All the time.

7 Q All the time? What do they do? Just throw
8 their garbage all over the place?

9 A Yes.

10 Q Kibodeaux 19, do you recognize this?

11 A Yes.

12 Q What is it?

13 A It is a picture of me and Krystal from her
14 Instagram.

15 Q Did you take a screenshot of this on your
16 phone?

17 A Yes. It looks like I took a screenshot of
18 that.

19 Q Okay. And is her username on Instagram,
20 krybaby97?

21 A I think so, but I am not really sure.

22 Q And at the bottom here, it -- it looks cut
23 off, but I think that's your username, blunted
24 illusion, right?

25 A Yes.

1 Q Okay. Just wanted to make sure.

2 Do you recall when -- what time is
3 depicted in this photograph?

4 A I don't know.

5 Q Do you remember when Krystal took this
6 selfie image, is probably a better way of putting it?

7 A I don't. I only know that I -- I see I'm
8 wearing the under 21 wristband. That's it.

9 Q Okay. Was this selfie taken in the locker
10 room at Heartbreakers?

11 A Yes.

12 Q Are -- is any part of your attire in
13 violation of any Heartbreakers' rules?

14 A No, not in this picture.

15 Q No one cared if you wore a green top, right?

16 A Correct.

17 Q No one cared if you had red lipstick on that
18 night, right?

19 A Right.

20 Q Kibodeaux 20 is another selfie. This is
21 also taken in the Heartbreakers locker room, true?

22 A Yes.

23 Q Is there anything about your outfit here
24 that violated Heartbreakers' rules?

25 A No.

1 Q Okay. What was that? So we've looked at a
2 lot of different outfits. How much do each one of
3 these out fifties cost on average?

4 A At least \$40.

5 Q At least 40 bucks? Sometimes more?

6 A Yes.

7 Q Any time less?

8 A No.

9 Q Okay. How many outfits did you buy during
10 your time at Heartbreakers?

11 A I bought a lot of outfits.

12 Q Do you have a ballpark?

13 A Probably, like, at least 20, but...

14 Q All right. Let me see. I'm going to drop
15 another exhibit in here. This has been marked as
16 Exhibit 4.

17 (Marked was Kibodeaux Exhibit No. 4.)

18 Q (By Mr. King) I'm going to share my screen
19 with you. Is Leah -- Leah Christine, that was your
20 friend Krystal, right?

21 A Yeah.

22 Q Pardon?

23 A Yes.

24 Q Okay. And this is a post from her Facebook
25 page, right, it appears?

1 A Yes.

2 Q Okay. And she writes, "Pole dancing is pure
3 focus, balance, and never-ending practice. Always
4 room for improvement."

5 Do you agree with that statement?

6 A Sure.

7 Q Did you ever do anything to practice pole
8 dancing?

9 A I just went to work all the time.

10 Q Yeah, but it's unskilled work, though,
11 right?

12 A I mean, yes. Anybody could do it.

13 Q Sure. Have you kept in touch with Leah?

14 A Not really, no.

15 Q Have you asked her to join this lawsuit?

16 A Have I asked her what?

17 Q If she wants to join this lawsuit?

18 A No.

19 Q Okay. We'll go to your Exhibit 5. It's a
20 video clip.

21 (Marked was Kibodeaux Exhibit No. 5.)

22 MS. REZAZADEH: Is this one we produced
23 or a different one?

24 MR. KING: It's one y'all produced.

25 MS. REZAZADEH: Okay. Thank you.

1 Q (By Mr. King) Are you able to access that
2 file, Ms. Kibodeaux?

3 A I would have to download it onto this
4 laptop.

5 Q All right. Then I'll share my screen with
6 you.

7 A Okay.

8 Q Are you able to see my screen?

9 A Yes.

10 Q Okay. And this is a video marked Kibodeaux
11 90.

12 MS. REZAZADEH: You can use it. You
13 can go ahead and use it.

14 Q (By Mr. King) Is -- is that you depicted in
15 this video?

16 A Yes.

17 Q And is that Leah?

18 A Yes.

19 Q Did you take this video or did she?

20 A I can't tell.

21 Q Do you know when this video was taken?

22 A No.

23 Q Did anyone get on -- get on to you for
24 taking this video?

25 A I don't think so.

1 Q Did y'all like to hang out and take selfies
2 with each other?

3 MS. REZAZADEH: Objection; leading.

4 A What?

5 Q (By Mr. King) Did y'all like to hang out
6 and take selfies with each other?

7 A Sometimes, if it was slow.

8 Q Sure. Did anyone with the club ever tell
9 you what days of the week you had to work?

10 A No. They never told me what days of the
11 week to work. They only told me, you know, if I have
12 to stay.

13 Q Did anyone ever tell you what days of the
14 week you could not work?

15 A No.

16 Q Did anyone ever tell you what hours of the
17 day you were not allowed to work?

18 A I -- I mean, I think, actually, after a
19 certain time you couldn't come in.

20 Q Like if the place was closed, right?

21 A Well, no. Before it closed.

22 Q Oh. What time was that?

23 A I want to say, like, if -- if it was
24 midnight, it was too late for you to come in.

25 Q Did you ever too try to go in after

1 midnight?

2 A No.

3 Q Where did you get that understanding from?

4 A I want to say it said something like that on
5 the tip-out paper, but...

6 Q Did anyone ever tell you that verbally?

7 A Not that I recall.

8 Q Did anyone at Heartbreakers ever give you a
9 written schedule?

10 A No. It was never a written schedule. Just
11 make sure you stay those hours.

12 Q Just make sure you stay those hours?

13 A Like just make sure, like, when you come in,
14 you've got to stay at least eight hours, six to eight
15 hours.

16 Q Six to eight hours?

17 A Yes.

18 Q What would happen if you didn't stay six to
19 eight hours?

20 A You would get fired.

21 Q Did you ever try to leave before six to
22 eight hours were up?

23 A Yes.

24 Q Okay. Did you get fired?

25 A Well, no, because I paid. I would have to

1 pay like -- I remember before at least paying, like,
2 \$40 before to try to leave, like, an hour early.

3 Q Was somebody blocking the doors saying
4 you're not leaving unless you pay 40 bucks?

5 A No, nobody was blocking the door, but I
6 mean, like, if I were to just walk out, then I would
7 be terminated and lose my job.

8 Q Do you know anybody who that happened to?

9 A Yeah. I don't know their name, but I know
10 one girl walked out and she wasn't allowed to come
11 back in.

12 Q How did you come to learn that information?

13 A People were talking about it.

14 Q Do you remember any of the people who were
15 talking about it?

16 A No.

17 Q No? Do you know if it was other dancers?

18 A Yes.

19 Q Did you ever work doubles?

20 A No, I did not work doubles.

21 Q Could you -- could you have worked doubles
22 if you wanted to?

23 A I could have worked doubles if I wanted to,
24 but then I would have to pay them double the tip-out
25 and I didn't want to do that.

1 Q So you made the assessment that working a
2 double and paying two house fees was not worth it,
3 right?

4 A Right.

5 Q Did you ever have to ask anyone for
6 permission to, I don't know, take a vacation or
7 anything?

8 A No.

9 Q Did Heartbreakers require you to work in the
10 VIP area?

11 A What exactly do you mean?

12 Q Did anyone ever command you to go perform in
13 the VIP area?

14 A No, but it was, like, expected. So, you
15 know, you'd work back there if somebody wanted you
16 back there.

17 Q If somebody wanted you back there, it was
18 expected?

19 A I'm assuming, yes.

20 Q Expected by who?

21 A Like by the management if somebody wants to
22 go to VIP.

23 Q Did anyone ever tell you that?

24 A No.

25 Q What about the booth area? Did anyone --

1 anyone ever say you need to go perform for the
2 customers in the booth area?

3 A No, but that was really one of the only ways
4 to make money.

5 Q Was the booth -- performing entertainment in
6 the booth area was a way to make more money?

7 A Yes. And it was always being watched.

8 Q Sure. Why was it a way to make more money?

9 A Because dances are \$20.

10 Q Those were \$20 on the floor too, right?

11 A Yes.

12 Q So how is performing in the booth area a way
13 to make more money? I guess I'm confused.

14 A So the booths are on the floor.

15 Q Uh-huh.

16 A But they're more in the back.

17 Q Yeah.

18 A And they started charging us \$20 to use
19 those booths. But of course those are the booths that
20 we had always used to be giving dances. So that's
21 pretty much where all -- everybody went to give
22 dances.

23 Q So it sounds like you're telling me that
24 working in the booth area was a good way to lose money
25 if the club charged you \$20. Is that true?

1 A I mean, that was really the only area you
2 could give dances.

3 Q You couldn't give dances on the floor?

4 A I mean, not really, nobody -- like none of
5 the -- nobody wanted that.

6 Q Customers didn't want table dances on the
7 floor area?

8 A No. They all preferred the booths because
9 that's how it had always been.

10 Q What about the VIP area? Was that a good
11 place to make money?

12 A It could be.

13 Q Would it depend on the customer?

14 A It would, yes, depend on the customer. I
15 didn't really like using the VIP very much, though.

16 Q That's fine. Can we take a five-minute
17 break? I've got to do something real quick.

18 A Yes.

19 (Break.)

20 Q (By Mr. King) I was telling you,
21 Ms. Kibodeaux, I'm not going to keep you here all
22 day. I'm getting near the end.

23 MR. KING: Let's mark this license
24 agreement as Exhibit 6.

25 (Marked was Kibodeaux Exhibit No. 6.)

1 Q (By Mr. King) All right. Can you see my
2 screen, ma'am?

3 A Yes.

4 Q Okay. Have you ever seen this document
5 before?

6 A Yes, I have.

7 Q And this is a document labeled
8 Heartbreakers 6 through 10. Is this the document you
9 signed before you started performing at Heartbreakers?

10 A No, because that's not my handwriting.

11 Q This isn't -- this isn't your handwriting?

12 A No.

13 Q Let me ask you this: Is that your
14 signature?

15 A Yes.

16 Q Okay. So you're not denying that you signed
17 this document, right?

18 MS. REZAZADEH: Objection; asked and
19 answered.

20 A Yes, I signed it, but I don't know why it
21 says 2018.

22 Q (By Mr. King) I have no idea either.

23 A The only thing that's my handwriting is that
24 signature right there, I think.

25 Q Right. Okay. I was just curious if you

1 knew why it has 2018 on there.

2 About how many -- how often would you
3 perform at Heartbreakers on a weekly basis?

4 A Around four to six days a week.

5 Q Four to six days a week?

6 A Yes.

7 Q How many weeks would you perform out of
8 every month at Heartbreakers?

9 A Like every week.

10 Q Every week?

11 A Uh-huh. Yes.

12 Q And was that true for every month in 2019?

13 A Yes.

14 Q How many hours would you perform during the
15 days that you would show up and perform?

16 A At least six to eight hours.

17 Q Do you know if other dancers kept the same
18 kind of schedule at Heartbreakers?

19 A No.

20 Q You would have to ask them, right, or look
21 at their records?

22 A Right. All I know is that they had to stay
23 at least six to eight hours.

24 Q Did -- do you know of any dancers who showed
25 up, you know, one day a week?

1 A No.

2 Q You're not aware of anybody who just showed
3 up one day a week?

4 A No.

5 Q Are you aware of anybody who showed up seven
6 days a week?

7 A No.

8 Q You just -- you don't have any idea what
9 other dancers' schedules looked like, right?

10 A Correct.

11 Q What about Krystal's schedule?

12 A No. I don't know.

13 Q Was she -- would you-all coordinate when you
14 showed up at Heartbreakers?

15 A No, not really. I would ask her sometimes,
16 like, "Hey, are you at work?" But that's as far as
17 that went.

18 Q This is Exhibit 7. It's labeled
19 Heartbreakers 149 through 157.

20 (Marked was Kibodeaux Exhibit No. 7.)

21 Q (By Mr. King) First question I have for
22 you, the last four of your social is 8061, right?

23 A Yes.

24 Q Okay. All right. Can you see my screen?

25 A Yes.

1 Q And I'll just scroll through this just so
2 you can see what all is in it.

3 All right. Have you had an opportunity
4 to review this document before today?

5 A Yes, I have looked at it before.

6 Q And in the first column, it shows date in,
7 January 8th, 2019, right?

8 A Right.

9 Q And then time in, it's got 1630. I believe
10 that's a 24-hour system, so that would be 4:30 p.m.

11 A Right.

12 Q And the time out in this instance shows
13 2335. So that would be, what, 11:35, right?

14 A Right.

15 Q Okay. I just want to make sure we're on the
16 same page. Does -- does this exhibit that you're
17 looking at right now, have you found anything that's
18 inaccurate about it?

19 MS. REZAZADEH: Objection; vague.

20 Q (By Mr. King) I'll break it down. Does --
21 you've had an opportunity to look at this. Have
22 you -- are any dates, date-ins missing?

23 MS. REZAZADEH: Objection; assumes
24 facts not in evidence.

25 A I mean, I'm assuming that it's correct, but

1 I don't know exactly how they, like, do the clocking
2 out and stuff.

3 Q (By Mr. King) I'll -- I'll back up a little
4 bit. So this -- this document, I will represent to
5 you, shows the Heartbreakers' records of the dates
6 that you appeared to work at the club, the -- the
7 time that you clocked in, and the time that you
8 clocked out. And what I want to know is if you have
9 reviewed this document and found any missing days or
10 times or anything inaccurate about it.

11 MS. REZAZADEH: Objection; misquoting
12 deponent, assumes facts not in evidence.

13 A No. I don't -- I don't know if there's any
14 missing days or anything.

15 Q So earlier you said that your recollection
16 is that you worked four to six days a week, right?

17 A Yes.

18 Q And that that was your practice every week,
19 right?

20 A About.

21 Q So what I -- what I did -- and I'll give
22 your counsel this calendar. It will help visualize it
23 a little bit better.

24 MR. KING: What is this, 7?

25 THE REPORTER: It should be 8.

1 MR. KING: 8. Sorry.

2 (Marked was Kibodeaux Exhibit No. 8.)

3 Q (By Mr. King) Let me show this to you.

4 Okay. This is -- this is just so that we can discuss
5 it. This isn't a Heartbreakers record. I took the
6 dates and the times from Exhibit 7 and put it into a
7 calendar format, okay?

8 A Okay.

9 MS. REZAZADEH: You're creating an
10 exhibit to ask her about it?

11 MR. KING: Yeah. Because -- I just
12 want to make sure I understand this right.

13 Q (By Mr. King) Okay. So we've got
14 Exhibit 7, which is side by side with this Exhibit 8.
15 So we've got January 8th, 2019, January 10th, 2019,
16 January 7th, 2019, and so forth. Do you see what I
17 did there?

18 A Okay.

19 Q Okay. So in January, did you work more than
20 four to six days in any week?

21 MS. REZAZADEH: Objection; vague.

22 Q (By Mr. King) In February, did you work more
23 than four days in any given week?

24 MS. REZAZADEH: Objection; asked and
25 answered.

1 Q (By Mr. King) Next month.

2 A What are you asking?

3 Q Sure. I'm just trying to find out if -- how
4 to square your testimony that you worked more than --
5 worked between four to six days a week at
6 Heartbreakers with Heartbreakers' records. And if
7 there's something wrong with Heartbreakers' records, I
8 just need you to tell me.

9 A Well, that is what I recalled to my best,
10 like, memory.

11 Q Do you have any knowledge as to whether
12 Heartbreakers' records are -- have been -- somebody
13 tampered with them or anything like that?

14 A I -- I have no idea. I mean, I -- I truly
15 feel like I worked more. I truly do think that to
16 my -- like my best memory and recall. But I -- I
17 can't, like, say for a fact if anybody tampered with
18 their records or anything like that.

19 Q Do you have any reason to doubt any of the
20 information in the Heartbreakers records?

21 A Yes.

22 Q Okay. Please -- please tell me. It won't
23 hurt my feelings. I just need to know.

24 A I just think that they are not very good
25 people and I don't think that -- I just don't really

1 trust them at all.

2 Q So is it -- is it your testimony that
3 Heartbreakers' records do not -- don't include all the
4 days that you actually performed there?

5 MS. REZAZADEH: Objection; asked and
6 answered.

7 A I'm really not sure.

8 Q (By Mr. King) We'll look at March. Okay.
9 So I've got Heartbreakers 150. It runs from
10 March 1st, 2019 through March 29th. Can you still see
11 it there or is it too small?

12 A It's a little small.

13 Q All right. Fair enough. All right. In
14 March of 2019, do you recall working more than four
15 days in any given workweek or is Heartbreakers'
16 records -- are they -- are these inaccurate?

17 A I do not know.

18 Q What -- based on your own recollection, what
19 hour would you typically clock in?

20 A Like around 5:00 to 7:00 p.m.

21 Q 5:00 to 7:00? Okay. So we'll use March as
22 an example. 1900 hours I believe is 7:00 p.m.
23 Twenty -- 20 hours would be 8:00 p.m. Is -- is that
24 inconsistent with your recollection?

25 A That sounds about like the time I would come

1 in.

2 Q I guess I'm just confused because you told
3 me that you recall showing up at 5:00, right?

4 A Yes.

5 Q Okay. And this record that I have shows you
6 having clocked in at 7:00 or 8:00 o'clock in March or
7 8:30 on the 17th.

8 A Okay.

9 Q So which is it?

10 A It varies, I guess.

11 Q Would you show up at the club at 5:00 and
12 not clock in?

13 A Yes, if my makeup wasn't done. I wouldn't
14 be able to clock in until I'm actually, like, ready.

15 Q Okay. How -- how long on average would you
16 spend readying yourself for clocking in?

17 A It takes me, like, at least two hours to get
18 ready, usually.

19 Q Is that kind of prep -- preparatory
20 activity -- the amount of time you spent doing that,
21 is that, in your experience, typical for other
22 dancers?

23 A I would say so.

24 Q Do some dancers spend less time preparing
25 themselves?

1 A I don't know. Possibly.

2 Q Okay. Do you know if some dancers prepared
3 themselves at home before showing up?

4 A I don't know.

5 Q Never -- never asked anybody?

6 A Not really, no.

7 Q Did anyone ever get after you for showing up
8 at 5:00 and spending two to three hours in the
9 dressing room before you clocked in?

10 A No.

11 Q Do you know whether Krystal had the same
12 experience as you as far as putting her attire and
13 makeup on before clocking in?

14 A I know that she took a long time, but I
15 don't really know anything else.

16 Q Okay. And I'm showing you Heartbreakers
17 151. This is April 2019. Heartbreakers' records
18 shows April 5th, 2019 through April 26th of 2019 was
19 the last date. This -- this record shows that you
20 performed for -- on two days during that first week of
21 April. Could you have performed more?

22 A Possibly.

23 Q This record also shows that between
24 April 14th and April 20th, 2019, that you do not
25 perform at all. Is that incorrect or correct?

1 A Where is -- where is those dates?

2 Q Sure. So if you look here, we've got
3 April 10th, 2019.

4 A Right.

5 Q And then we skip over to April 22nd, 2019.
6 So we've got a 12-day gap.

7 A That -- to me, that seems like a pretty long
8 time for me to not be working.

9 Q Okay.

10 A I -- I never took any, like, vacation or
11 anything. So, I mean, to me, that's kind of weird.

12 Q True. What would be the best way to verify
13 then what days you performed at Heartbreakers?

14 A I do not know.

15 Q The time in, do these reflect the time that
16 you appeared at Heartbreakers and then started
17 working --

18 MS. REZAZADEH: Asked and answered.

19 Q (By Mr. King) -- for April 2019?

20 A What do you mean? Like the -- the times
21 that it's showing? Like -- like 7:00 to 2:00 or
22 8:00 to 2:00.

23 Q Yeah. I -- sorry. I didn't mean to cut you
24 off. I'm just asking -- trying to figure out if, you
25 know, we have got here April 5th, 2019, it shows that

1 you clocked in at 7:45. I'm trying to figure out if
2 you were actually at the club prior to 7:45 on these
3 days.

4 A There's no way for me to know.

5 Q All right. We're looking at the bottom of
6 Heartbreakers 151 through 152. This shows May of
7 2019. And Heartbreakers' records, I'll represent,
8 showed that you worked one, two, three, four, five
9 days in the month of May of 2019.

10 Okay. That's May 10th, May 16th,
11 May 18th, May 19th, May 21st. Do you feel that this
12 is in any way inaccurate?

13 A I do, because I don't -- I truly think that
14 I worked more than that.

15 Q On May 10th -- I'll show you Heartbreakers'
16 record. It purports to show that you clocked in at --
17 I guess that's 6:00 o'clock, right, and that you
18 clocked out at 9:00 o'clock. Were there occasions in
19 which you would take off early?

20 A There -- that might have been the time that
21 I got sick. I got sick at work before --

22 Q Yeah.

23 A -- and I was told to go home because I
24 didn't look good.

25 Q Did you -- speaking of which, I saw that in

1 one of your discovery responses. Who told you -- who
2 told you to go home?

3 A Whitey.

4 Q Whitey? Was he mean about it?

5 A Yeah, he was.

6 Q He was? What did he say?

7 A He told me that I looked like shit.

8 Q Were you -- like, did you have, like, the
9 flu?

10 A No.

11 Q Some other health issue? You don't have to
12 tell me exactly what it was.

13 A I just wasn't feeling my best.

14 Q Yeah.

15 A And I had wanted to go home early and I
16 finally got the courage to ask him, and he was like,
17 "Yeah. Is that why you look like that? You look like
18 shit. You should go home."

19 Q Okay. And so you went home?

20 A Yeah.

21 Q All right. Where are we? June. Did you
22 prefer to work on Fridays and Saturday nights?

23 A I did, but I also liked working the weekdays
24 a lot too.

25 Q Okay. During the daytime hours?

1 A No. Nighttime.

2 Q Nighttime? Did you ever work any, I guess,
3 early afternoon, mid-afternoon shifts?

4 A Maybe, but only, like, a couple times.

5 Q So in June, you got the same thing. It
6 looks -- from Heartbreakers' records, it shows one,
7 two, three, four, five, six -- that you worked seven
8 days in June of 2019. Do you believe that is
9 inaccurate based on your recollection?

10 A I -- I don't.

11 Q You don't believe that that's inaccurate?

12 A Or I'm sorry. I -- I do not think that it
13 is very accurate.

14 Q Okay. Understood. Because you think that
15 you worked more days in June of 2019 than what is
16 reflected here, true?

17 A True.

18 Q Okay. July of 2019, one, two, three, four,
19 five, six, seven, eight. Heartbreakers' records shows
20 that you worked eight days in July 2019. And if you
21 want to check my math, please let me know. Because
22 I'm not good at math, all right? Same thing, you
23 think that you worked more days in July of 2019?

24 A Possibly.

25 Q This record also shows that July 1st you

1 showed up at 8:41; July 3rd, it was -- clocked in at
2 8:00. July 13th, it was at 7:00. July 14th, it was
3 9:30. And then for the rest of the month it was about
4 8:00 o'clock. What -- do you -- do you recall kind of
5 like what time you preferred to show up, clock in?

6 A I mean, the -- the times, to me -- like the
7 time stamps seem accurate.

8 Q Okay. So you don't think that the time
9 stamps that we've been looking at are inaccurate as
10 far as when you clock in to start performing on the --
11 at the club?

12 A Correct.

13 Q But they don't account for time that you
14 were in the locker room necessarily, true?

15 MS. REZAZADEH: Objection; misquoting
16 deponent.

17 A Well, yeah. It doesn't count if I'm not
18 clocked in.

19 Q (By Mr. King) Right.

20 A Right.

21 Q And I'm just trying to figure out if -- how
22 many times you would show up at, I don't know,
23 6:00 o'clock and then do your makeup for two hours and
24 then clock in?

25 A Right. Probably around the times that it

1 says I clocked in at 8:00.

2 Q I'm not sure what you mean.

3 A So the time stamps that it says that I
4 clocked in at 8:00 --

5 Q Yeah?

6 A -- I probably showed up there at around
7 6:00 and got ready.

8 Q Got it. And how often would you do that?
9 Was that your usual practice?

10 MS. REZAZADEH: Objection; calls for
11 speculation.

12 A It just kind of depended, I think.

13 Q (By Mr. King) Sure. What did it depend on?

14 A I don't really know.

15 Q Just your personal preference?

16 A Yes.

17 Q Did anyone at the club require that you do
18 your makeup, put on your attire in the locker room?

19 A What do you mean?

20 Q Like did anyone ever try to prevent you from
21 doing your makeup and attire at home and then showing
22 up and clocking in immediately? Was there a rule --

23 A No.

24 Q August 2019, if Heartbreakers' records show
25 that you worked every Friday night that month, does

1 this record look closer to what your recollection
2 might have been?

3 A Yes.

4 Q But we still don't have any -- any weeks in
5 which you worked more than three days a week, right?

6 A Correct.

7 Q Okay. August, September. September 2019,
8 Heartbreakers' records show that, you know, in the
9 first week, one, two, three, four. Do you think that
10 this record is -- has anything wrong with it?

11 A No. That record seems like similar to my,
12 like, recollection.

13 Q Same thing the week of the 22nd, we have
14 one, two, three, four, five days. Is that closer to
15 your recollection?

16 A Yes.

17 Q Okay. Skip down to -- because I don't want
18 to bore you to tears with October. So let's -- we'll
19 get to the end of the year, okay?

20 November of 2019, Heartbreakers'
21 records shows that you did one, two, three, four,
22 five, six, seven days in that month. Does that seem
23 inaccurate to you in any way?

24 MS. REZAZADEH: Objection; vague.

25 A I mean, yes. Because I feel like I worked

1 more days than that.

2 Q (By Mr. King) Okay. And finally, at long
3 last, this is December 2019, and Heartbreakers'
4 records show that the first day in December that you
5 worked was December 8th. The last day was
6 December 28th. Is -- is that consistent with your
7 recollection?

8 A Yes. That sounds about right.

9 Q Okay. The number of days here -- one, two,
10 three, four, five, six -- six days in the month of
11 December, are the number of days consistent with your
12 recollection?

13 A Yes. That was my last month there, so yes.

14 Q Got it. And you did not work after
15 December 28th, 2019, to your recollection?

16 A No.

17 Q All right. So just to summarize,
18 Heartbreakers' records do not square with your
19 recollection?

20 A No. No.

21 Q You do not view Heartbreakers' records as a
22 reliable source of information for how much -- how
23 many days you worked, right?

24 MS. REZAZADEH: Objection; calls for
25 speculation.

1 A Yes. I'm not convinced that that's
2 accurate.

3 Q (By Mr. King) And -- and earlier you told me
4 that you were not aware of an alternative source of
5 information that verify anything in Heartbreakers'
6 records or refute it, for that matter?

7 MS. REZAZADEH: Objection; misquoting
8 deponent.

9 A Yes. I don't have any records.

10 Q (By Mr. King) The clock-in hours, clock-in
11 time stamps that we've just been looking at, are those
12 consistent with your recollection?

13 A Yes.

14 Q The clock-out time stamps, are those
15 consistent with your recollection of when you would
16 leave the club?

17 A Yes. I believe so.

18 Q All right. What does the house mom at
19 Heartbreakers do?

20 A She's in charge of counting the dance
21 dollars and taking the deductions out.

22 Q Were you required to tip the house mom?

23 A Yes.

24 Q For what?

25 A If we were to use her stuff, especially, and

1 she kind of expected tips no matter what from all of
2 us.

3 Q If you didn't tip the house mom, what would
4 happen?

5 A She would be very unpleasant and rude.

6 Q Would you -- anything beyond that?

7 A No.

8 Q Would you get a bad stage rotation if you
9 didn't tip the house mom?

10 A No, not with the house mom.

11 Q If you didn't tip the DJ, would you be left
12 off of the stage rotation completely?

13 A Yes. Either left off the rotation or in a
14 really bad lineup or he would pick, like, the most
15 awful music to dance to for you.

16 Q What do you mean by bad lineup?

17 A Like put you, like, somewhere on the list
18 where you don't like or, like, would skip you, like,
19 on purpose or, like, not put you on the list. Like
20 not -- just not a good lineup.

21 Q Sure. So there were instances in which you
22 were actually left off of the stage rotation?

23 A Yes.

24 Q Did you resent that?

25 A What do you mean?

1 Q Were you opposed to that? I mean, did you
2 take offense to being left off of the stage rotation?

3 A Yes.

4 Q Why?

5 A Because going on stage is a part of my job,
6 and I mean, it just didn't sit right with me to think
7 that any dancer or I would be just, like, left off the
8 list or forgotten about or whatever.

9 Q You don't like getting passed over when
10 other dancers are going up on stage, right?

11 A Right.

12 Q Did you -- if you were ever left off of the
13 stage rotation, would that affect the amount of money
14 you could make?

15 A Yes.

16 Q How so?

17 A Because that would -- I mean, if you don't
18 go on stage, then you don't make stage money.

19 Q Right.

20 A And stage is a way for customers to see you,
21 I guess. So it would just throw off the whole shift.

22 Q Did Heartbreakers ever have sporting events
23 or UFC fights on TV?

24 A Yes.

25 Q Did they -- did Heartbreakers have special,

1 like, fight-night-type deals, promotions?

2 A Yes.

3 Q Did that draw in a lot of customers?

4 A Yes.

5 Q When those customers came for fight nights
6 or some game, did that increase the amount of money
7 that you'd make?

8 A No. It would actually decrease it.

9 Q How would it decrease the amount of money
10 you made?

11 A Because then they -- they would just want to
12 watch the game.

13 Q So customers would come to watch the game
14 and just wouldn't have any interest in paying for
15 anybody's dances, right?

16 A Yeah.

17 Q Okay. If anything, when Heartbreakers put
18 on promotions like sporting events for UFC fights to
19 draw more customers in, it wouldn't be for the benefit
20 of the dancers?

21 MS. REZAZADEH: Objection; calls for
22 speculation.

23 A I mean, it didn't really help me out any.

24 Q (By Mr. King) And you would still have to
25 pay the house fee even on those nights when the club

1 has a lot of people in it, they're watching whatever
2 was on TV and didn't want to pay for dances, right?

3 A Yes. And I even ended up leaving the club
4 negative money, like with negative money if I --

5 Q You would -- sorry. I didn't mean to cut
6 you off.

7 A Oh, it's okay.

8 Q There were some nights in which you would
9 lose money by appearing at Heartbreakers, right?

10 A Yes.

11 Q And the lost money was the house fees that
12 you paid, right?

13 A Yes.

14 Q How often would that occur?

15 A Not, like, super frequently, but it was
16 definitely something that was, like, happening, like,
17 here and there. Maybe at least once a month or
18 something.

19 Q Sure. I assume other nights you would --
20 you would leave positive, right?

21 A Yes.

22 Q How did Heartbreakers' control over the
23 house fees affect your ability to earn money?

24 A Because if you couldn't pay your tip-outs
25 and fees, then they would keep track of that and -- I

1 mean, you can get fired over that, even if they know
2 it's been a very slow night.

3 Q Did Heartbreakers take a percentage of the
4 amount that you earned for every shift?

5 MS. REZAZADEH: Objection; vague.

6 A What exactly do you mean?

7 Q (By Mr. King) Well, let me see if I can do
8 something here. Let's put it up.

9 Do you recall signing a declaration in
10 this case?

11 A A declaration?

12 Q Uh-huh.

13 A For what?

14 Q In this case.

15 A Oh, yes.

16 Q Let me drop it in here real quick.

17 (Marked was Kibodeaux Exhibit No. 9.)

18 Q (By Mr. King) All right. This is Exhibit 9.
19 All right. Earlier in this case, a -- you submitted a
20 declaration. Do you recognize this document?

21 A Yes.

22 Q I'll scroll through it so you have an
23 opportunity to look at it. Just tell me if you
24 need -- if I need to go slower or faster.

25 All right. Do you recall signing this

1 document?

2 A Yes.

3 Q And is that your electronic signature, I
4 assume?

5 A Yes.

6 Q So in Photograph 8, I just wanted to ask
7 you, you say, "The defendants would take a percentage
8 of my earnings each shift."

9 And I'm just trying to figure out what
10 percentage that was.

11 A The percentage is talking about -- like, I
12 make -- the amount I make on my shift, and then at the
13 end of my shift, I have to give away, like, my
14 tip-outs and stuff to everybody.

15 Q And what percentage was that?

16 MS. REZAZADEH: Objection; calls for
17 calculation.

18 A I don't know a certain percentage.

19 Q (By Mr. King) Was it ever 1 percent of
20 whatever you earned?

21 MS. REZAZADEH: Objection; asked and
22 answered.

23 A I do not know.

24 Q (By Mr. King) Was it ever 100 percent of
25 what you earned?

1 A No, it was never 100 percent.

2 Q It was somewhere between 1 percent and a
3 100 percent?

4 A Yes. And that's all I know.

5 Q Who -- who would be taking a percentage of
6 your earnings each shift?

7 A The DJ, bartenders, management, house mom.

8 Q Every night?

9 A Yes.

10 Q So we've got bartenders, DJs, house moms.
11 Anyone else?

12 A That's it.

13 Q What about the waitresses?

14 A I never -- well, I did tip the waitresses
15 sometimes.

16 Q So they were in there taking your earnings
17 from your shifts too?

18 A Yes.

19 Q What about the door guy or girl?

20 A No.

21 Q Did each -- each one of these categories of
22 individuals have a different percentage that they
23 would take from your earnings?

24 A I'm not sure.

25 Q Here's what I'm getting at is I'm just

1 trying to figure out how -- what information can be
2 used to calculate how much money you allege was taken
3 from your earnings every shift.

4 MS. REZAZADEH: Is there a question?

5 MR. KING: Yeah. I just asked it.

6 Q (By Mr. King) How do we figure out what the
7 percentage of your earnings were taken for every
8 shift?

9 MS. REZAZADEH: I'm going to object.
10 Calls for a calculation.

11 Q (By Mr. King) Was it just arbitrary?

12 A I'm not exactly sure how to, like, do all
13 those calculations.

14 Q But you're -- you are alleging in this
15 lawsuit that bartenders, waitresses, the house mom,
16 the DJ took certain sums away from you during each
17 shift?

18 A Yes.

19 Q Okay. You just don't know how much that is?

20 A Correct.

21 Q And there's no way of knowing how much that
22 is?

23 MS. REZAZADEH: Objection; misquoting
24 the deponent.

25 A I don't know how much.

1 Q (By Mr. King) You have no way to estimate
2 it?

3 MS. REZAZADEH: Objection; asked and
4 answered.

5 Q (By Mr. King) Do you have any way of
6 estimating it on a monthly basis?

7 A No. I can't think of that right now.

8 Q Is there anything that -- any -- any source
9 of information out there that might help refresh your
10 recollection?

11 A No.

12 Q No?

13 A No.

14 Q In Paragraph 9 you write, "The defendants
15 and managers tracked the number of dances I performed
16 each shift in order to calculate payment policies."

17 How were they track the number of
18 dances you performed?

19 A By sending the DJ to go walk around and look
20 to see who is using the booths or Whitey himself or
21 whoever was the manager that night would do that
22 themselves.

23 Q So in Paragraph 9 are you talking about the
24 number of dances you performed just in the booth area?

25 A Yes. That's where we gave our dances, so

1 yes.

2 Q So this Paragraph 9 is not referring to the
3 number of dances you might have performed on the
4 floor?

5 MS. REZAZADEH: Objection; vague.

6 A Well, the dances I did on the floor were in
7 the booths.

8 Q (By Mr. King) Got it. What about in the VIP
9 area?

10 A That was not as tracked. Well, I mean, they
11 would know if you used VIP and they would, like, know,
12 you know, that you made, like, a certain amount of
13 good money or something. So they would ask for it and
14 about it, but...

15 Q Okay. And how would they go about recording
16 the number of dances that you performed in the booth
17 area --

18 MS. REZAZADEH: Objection; calls --

19 Q (By Mr. King) -- like a clicker, clipboard,
20 something like that?

21 MS. REZAZADEH: Objection; calls for
22 speculation.

23 MR. KING: She wrote it. She says it,
24 that the defendants and managers tracked the number of
25 dances she performed.

1 MS. REZAZADEH: It doesn't say how they
2 tracked it.

3 Q (By Mr. King) Do you have any idea how they
4 tracked it?

5 MS. REZAZADEH: Objection; vague.

6 A Mental -- mental notes and maybe a
7 clipboard, but mental notes for sure.

8 Q (By Mr. King) In Paragraph 9 you refer to
9 calculation of payment of policies. What payment
10 policies are you referring to?

11 A Like tip-out and making sure you tip
12 everybody.

13 Q So they would track the number of dances you
14 would perform in the booth area in order to calculate
15 how much you would have to pay other people at the end
16 of the night?

17 MS. REZAZADEH: Objection; misquoting
18 the deponent.

19 A Yes. Like they -- they would notice and,
20 like -- I don't know, like, they would, like, hold it
21 against me. Like, if I wasn't able to pay my tip-out,
22 but if the manager saw me, like, give two distances or
23 something -- like, he's told me specifically, "Well, I
24 watched you, like" -- "like, there's no reason you
25 shouldn't be able to, like, tip us and all that."

1 Q Who -- who told you that?

2 A Whitey.

3 Q And so was there a specific calculation that
4 they used?

5 A It was whatever their personal preference
6 was.

7 Q So it was arbitrary, right?

8 MS. REZAZADEH: Objection; calls for
9 speculation.

10 A It was whatever they thought that they
11 deserved.

12 Q (By Mr. King) Is the amount that they
13 thought deserved, was that specific to you?

14 A Well, if -- basically if they seen that you
15 were working and making money, they expected more
16 money out of you.

17 Q Okay. Did they apply this to other dancers?

18 A Can you repeat that?

19 Q Sure. Did they apply this calculation of
20 payment and policies to other dancers?

21 A Yes.

22 Q And how were you -- how do you know that?

23 A Because everybody would complainant it.

24 Q Okay. And was there any set formula for
25 calculation of the payment policies that you refer to

1 in Paragraph No. 9 that applied across the board?

2 MS. REZAZADEH: Objection asked and
3 answered.

4 Q (By Mr. King) Was there any
5 across-the-board calculation?

6 A I don't know.

7 Q We would have to just ask each individual
8 dancer what their experience was with the contents of
9 Paragraph 9, right?

10 MS. REZAZADEH: Objection; misquoting
11 the deponent.

12 A I just know that everybody had to tip, like,
13 what was expected, basically.

14 Q (By Mr. King) And what was expected
15 depended on whatever the manager thought?

16 A Yes.

17 Q You also said that you were forced to tip
18 out \$50 to \$100 per shift to individually --
19 individually to DJs and bartenders. Was that for
20 every single shift that you worked?

21 A Yes. I would usually end up spending around
22 that much just to make sure everybody got their
23 tip-out.

24 Q Was this in addition to the payment of the
25 house fee?

1 A That is, like, combined.

2 Q Okay. So in Paragraph 8, the 50 to \$100
3 that you're referring to is the combined amount of the
4 house fee and whatever else, some DJ or bartender,
5 whoever you're tipping, right?

6 A Right.

7 Q I'm sorry?

8 A Yes.

9 Q I guess I'm just confused by the last
10 sentence here, "I was forced to tip out \$50 to \$100
11 per shift individually to the bartenders and DJs."

12 I -- did you -- did you consider paying
13 the house fee a tip-out to DJs and bartenders?

14 A I don't know. I -- I read that as like I
15 wouldn't -- like, I'm saying that that was around the
16 total that I spent including everything. Like, my tip
17 out and tipping, like, the DJs, bartenders, house mom.

18 Q So if a -- if you reported in at
19 7:00 p.m. -- and I'm going to show you what I'm
20 looking at. Do you see this? So in the agreement
21 that you signed, if you --

22 MS. REZAZADEH: Objection; assuming
23 facts not in evidence. She didn't --

24 MR. KING: She didn't sign this license
25 agreement that she just said that that's her

1 signature?

2 MS. REZAZADEH: It's not her
3 handwriting. It's not the right date. It's dated
4 2018.

5 Q (By Mr. King) Ma'am, did you -- do you deny
6 that that is your signature?

7 A I mean, like, that's not my handwriting.

8 Q Do you think somebody forged your signature
9 here?

10 A Well, I mean, I know that that's not my
11 handwriting.

12 Q So is -- were you telling me earlier that up
13 here, this is not your handwriting?

14 A Correct. That's not my handwriting.

15 Q And down here where we have this signature,
16 that's not your handwriting, where your signature is
17 provided?

18 MS. REZAZADEH: Objection; misquoting
19 the deponent.

20 A I mean, it -- that kind of does look like my
21 signature, but I don't understand how that got there
22 if I didn't fill that out.

23 Q (By Mr. King) Do you deny ever filling
24 this -- signing this document?

25 A I don't really remember what document from

1 them I did sign.

2 Q This will be Exhibit 10.

3 (Marked was Kibodeaux Exhibit No. 10.)

4 MS. REZAZADEH: The last one -- oh,
5 never mind.

6 Q (By Mr. King) Have you ever seen this
7 document before, ma'am?

8 MS. REZAZADEH: What's the Bates number
9 on that one?

10 MR. KING: (Indicating.)

11 A That is my handwriting.

12 Q (By Mr. King) Okay. That is your
13 handwriting? So Exhibit 10, that's your signature.
14 Exhibit 9 -- or no 6, the license agreement, you
15 don't know if you signed it?

16 A No.

17 Q Okay. But we both agree that there was a
18 house fee at Heartbreakers, right?

19 A Yes, there was a house fee.

20 Q Okay. So if you showed up after 7:00 --
21 after 7:00 and before 8:00, the house fee was \$37,
22 right?

23 A Yes.

24 Q Okay. And if you showed up after 8:00 but
25 before 9:00, it climbed to \$46, right?

1 A Yes.

2 Q So is it fair to say, we're looking back at
3 your declaration on Paragraph 8, that when you write,
4 "I was forced to pay" -- "forced to tip out \$50 to
5 \$100," we could look at your house fee for some night,
6 say it was \$37, and the additional amount you -- you
7 claim you paid to DJs and bartenders would be the
8 difference?

9 A Yes.

10 Q Okay. So are you saying that if you paid a
11 \$37 house fee, you would then pay \$63 to DJs and
12 bartenders potentially?

13 MS. REZAZADEH: Objection; calls for a
14 calculation, vague, incomplete hypothetical.

15 Go ahead.

16 A I'm not really sure.

17 Q (By Mr. King) You just have no way of
18 knowing how -- how much you tipped out aside from the
19 house fees?

20 MS. REZAZADEH: Objection;
21 argumentative, asked and answered.

22 A Well, I -- I just know that I paid -- I had
23 to pay my tip-out and that I had to make sure I tipped
24 everybody else out.

25 Do you mind if we take a quick break?

1 Q Of course.

2 A Okay.

3 (Break.)

4 Q (By Mr. King) Most of the orders at
5 Heartbreakers you received, they were told to you
6 verbally, right?

7 A Yes.

8 Q Was anything in writing ever?

9 A Yes.

10 Q Aside from posters, I should clarify.

11 A Oh, no. Not that I can think of.

12 Q Heartbreakers never circulated, like, a memo
13 to all dancers, don't do X --

14 MS. REZAZADEH: Objection; vague and
15 misstating evidence.

16 Q (By Mr. King) -- right?

17 A Well, if they wanted something to be told to
18 all dancers, they would put it on a poster in writing.
19 But it was always on a poster in a dressing -- in the
20 dressing room.

21 Q Did managers ever have group meetings with
22 dancers --

23 A No.

24 Q -- to address some issue?

25 A No.

1 Q In one of your interrogatory responses, you
2 wrote that, "Most of the orders from management would
3 be communicated verbally at the time and place the
4 management felt we were violating some unknown rule."

5 What did you mean by that?

6 A So the manager Whitey, sometimes he would
7 enforce certain rules, like -- and other times he
8 wouldn't. It depended completely on his mood and how
9 drunk he was. So, like, sometimes he would come out
10 of nowhere and start saying, like, "Oh, this is a
11 rule," like, "You can't, like, dance like that."
12 Like, "You can't have your legs over the stage like
13 that."

14 And then other times, it would be okay.

15 Q So it would just vary based on his attitude
16 that night, right?

17 MS. REZAZADEH: Objection; vague.

18 A Correct.

19 Q (By Mr. King) I'm sorry. Did you say
20 correct?

21 A Well, I mean, not all the rules varied, but
22 some of them did depending on his mood, yes.

23 Q Some of these things would just be out of
24 the blue, right?

25 A Yes.

1 Q And did you ever have to pay a double fee
2 for working any double shifts?

3 A I never worked a double there.

4 Q Did you ever suffer any negative
5 consequences as far as your ability to get shifts at
6 Heartbreakers?

7 A What do you mean exactly?

8 Q Did you ever do anything at Heartbreakers
9 that had the consequence of a manager saying you're
10 not allowed to work some shift?

11 A No.

12 Q Did you ever try to -- well, you -- you --
13 in the beginning of today's deposition, you told me
14 that you did perform at other clubs during your time
15 at Heartbreakers.

16 A Correct.

17 MS. REZAZADEH: Vague.

18 Q (By Mr. King) Did you suffer any
19 consequences as a result of working elsewhere at
20 Heartbreakers?

21 A No, I did not, but I -- a dancer told me to
22 not talk about it there.

23 Q Why?

24 A Because they didn't like us working at other
25 clubs.

1 Q Who is the "they"?

2 A "They" as in Whitey, the management, the
3 owners.

4 Q Why didn't they like the dancers working at
5 other clubs?

6 A Because they just considered that to be,
7 like, no good, like, wrong.

8 Q Why was that a wrong?

9 MS. REZAZADEH: Objection; calls for
10 speculation.

11 A I can't say because I don't understand why
12 it would be wrong. That's just how they felt.

13 Q (By Mr. King) Did you ever ask any of the
14 managers if that is, in fact, how they felt?

15 A No.

16 Q So you never mentioned to any managers,
17 "Hey, I'm work over at some other club"?

18 A No, because I didn't want to risk being
19 terminated over that.

20 Q So this was just based on a dancer telling
21 you that?

22 A Yes. Well, several dancers.

23 Q Do you remember any of their names?

24 A No.

25 Q Do you remember what they looked like?

1 A No.

2 Q Do you remember their stage names?

3 A No.

4 Q Did you ever interact with managers other
5 than Whitey?

6 A Yes.

7 Q Did the other managers also have this kind
8 of -- did they just, like, make up orders on a whim
9 like Whitey would?

10 MS. REZAZADEH: Objection; misquoting
11 the -- well, go ahead.

12 A No, not -- not really.

13 Q (By Mr. King) You stopped working at
14 Heartbreakers on December 28th, 2019. Was there any
15 reason that you decided just to move on?

16 A Yes. Well, I was ready to leave that club
17 because I felt, like, very upset working there, and
18 then -- well, I filed this lawsuit, so I had to go
19 anyway.

20 Q Why -- why were you upset working there?

21 A Because I didn't like the way that I was
22 being treated or the other dancers were being treated.

23 Q Just so that I understand, you filed -- this
24 lawsuit was filed after you left Heartbreakers, right?

25 Let me -- that was a bad question.

1 Did anyone at Heartbreakers tell you
2 you have to leave because you filed a lawsuit?

3 A No, nobody told me that, but from what I
4 recall, I left a little bit after I had filed the
5 lawsuit.

6 Q I will represent to you that this lawsuit
7 was filed on January 14th, 2020.

8 A Right. I think, like, it was technically
9 before it was technically, like, a lawsuit. It's
10 whenever I was speaking to, like, my attorneys and
11 stuff trying to figure out what was going on, I think.

12 Q And you -- you retained your lawyers in mid
13 December of 2019, right?

14 A I believe so.

15 Q All right. This is a document that your
16 counsel has produced. It's Kibodeaux 1 through 6.

17 Have you ever seen this document
18 before?

19 A Yes.

20 Q Okay. And is that your signature at the
21 bottom?

22 A Yes.

23 Q All right. Is that your electronic
24 signature?

25 A Yes.

1 Q All right. And you recall executing this
2 document on December 15th, 2019, right?

3 A Yes.

4 Q Okay. So you were in the process of hiring
5 a lawyer before you stopped working at Heartbreakers,
6 right?

7 A Correct.

8 Q Did you tell anyone at Heartbreakers, "I'm
9 thinking about suing you guys"?

10 A No. No.

11 Q Just thought I'd ask.

12 How did you locate at your lawyers?

13 A Online.

14 Q Online? After you hired your attorneys, did
15 you reach out to any other dancers to see if there
16 would be -- to see if they would want to join?

17 A No.

18 Q Do you know who Hailey Chapman is?

19 A Who?

20 Q Hailey Chapman.

21 A No.

22 Q She went by Daisy.

23 A No, I don't think I know that person.

24 Q Do you know Jean Hoffmeister?

25 A No.

1 Q Do you know Roxanne Murillo?

2 A No.

3 Q So you're not aware of any of the other
4 plaintiffs, never talked to them or anything?

5 A No, I've never spoken to them.

6 Q Let's turn back to your declaration. So in
7 Paragraph 25, you write, "Since filing this lawsuit as
8 an individual plaintiff, I've been joined by three
9 coworkers. These coworkers work under the same
10 conditions and payment policies as I did."

11 How do you know that?

12 A Well, I mean, I was told or made aware that
13 other people had joined in, but I -- I didn't, like,
14 know them or anything or I never even contacted them.

15 Q You also write that, "Other dancers are
16 likely to join the class as we inform them of the
17 opportunity to challenge these unfair and illegal
18 payment practices."

19 How do you know whether other dancers
20 are likely to join the class?

21 A I don't know. Just hopeful.

22 Q In Paragraph 24, moving backwards, you
23 write, "I'm aware that other exotic
24 dancers/entertainers fear retaliation for voicing
25 concern over defendants' FLSA violations and for

1 opting in as plaintiffs for this lawsuit."

2 Have you spoken with any particular
3 dancers about such concerns?

4 A No, but I had concerns.

5 Q Sure. Paragraph 22 of your declaration, you
6 write, "Defendants required dancers/entertainers,
7 including myself, to participate in promotions for
8 private events, including birthday parties."

9 Did you ever participant in a birthday
10 party private event?

11 A I think the club would sometimes, like,
12 host, like, little events and stuff if it was, like,
13 somebody's birthday, like a -- somebody in management
14 or a waitress or another entertainer.

15 Q Okay. So what -- what sort of promotions
16 did you participate in?

17 MS. REZAZADEH: Objection; form,
18 misquoting the deponent.

19 A I don't really know. I just would show up
20 to work.

21 Q (By Mr. King) So you -- you can't recall
22 any promotions for private events, including birthday
23 parties, in which you personally participated?

24 MS. REZAZADEH: Objection; misquoting
25 deponent, asked and answered.

1 A Yeah, I'm not sure.

2 Q (By Mr. King) Paragraph 19, you say that
3 your -- we've already covered this, but I've just got
4 to read it. "My shifts generally ran from 5:00 p.m.
5 to 2:00 a.m., in which I was required to stay past
6 the end of my shift."

7 What do you mean by you were required
8 to stay past the end of your shift?

9 A Whenever we closed, we would have to wait
10 for everybody to leave. Like -- like we would have to
11 wait until all the dancers were dressed out before we
12 could -- any of us could leave if it was past 2:00.

13 Q Why?

14 A I'm not sure. That was just a rule. We
15 weren't -- we had to wait until they said we could go.

16 Q Do you know whether that had anything to do
17 with watching dancers go to their cars in the parking
18 lot?

19 A I'm not sure.

20 Q You don't know?

21 A Yeah, I don't know.

22 Q Never asked anybody?

23 A No.

24 Q Was there some sort of penalty if you didn't
25 stay past the end of your shift in the circumstance

1 you've just described?

2 A I mean, you had the assumption you would get
3 in trouble if you left when you weren't supposed to.

4 Q Paragraph 29, you write that, "Peggy
5 Armstrong hired and fired employees."

6 We're just talking about Peggy right
7 now. Are you aware -- did you -- have you ever met
8 Peggy?

9 A I think maybe once.

10 Q Do you recall what the interaction was like?

11 A No, not really.

12 Q Do you know whether she's hired or fired any
13 employees?

14 A I'm sure she has.

15 Q Yeah, but do you know if she has?

16 MS. REZAZADEH: Objection; asked and
17 answered.

18 A Well, I mean, yes, because she's the owner.

19 Q (By Mr. King) Beyond the fact that she's the
20 owner, are you personally aware of any instance in
21 which Peggy Armstrong has hired or fired any
22 employees?

23 MS. REZAZADEH: Objection; asked and
24 answered.

25 A No.

1 Q (By Mr. King) Are you aware of any instance
2 in which Peggy Armstrong has directed and supervised
3 all employees?

4 A Well, I mean, I know that they had cameras
5 everywhere and would watch them and would come in and
6 stuff.

7 Q Do you know if Peggy Armstrong was watching
8 dancers on the floor from the cameras?

9 A I mean, yes. It was -- I was made to
10 believe that.

11 Q By who?

12 A Everybody.

13 Q Do you know how Peggy Armstrong made any
14 decisions regarding employee compensation and club
15 improvements? Do you have any personal knowledge of
16 that happening?

17 A Can you, like, specify that some for me?

18 Q Well, I don't know. It's your declaration.
19 That's why I'm asking is because I don't know. What
20 were you talking about?

21 A Well, she directly or indirectly, like,
22 affected everything.

23 Q How so?

24 A Because she was the co-owner with Mike and
25 they would come there.

1 Q When they would come there, would Peggy
2 start telling dancers what to do?

3 MS. REZAZADEH: Objection; calls for
4 speculation.

5 A No. They would hang out with dancers and
6 make us uncomfortable.

7 Q (By Mr. King) Okay. What -- how did -- how
8 did Peggy exercise significant control over you
9 through unwritten and written policies and procedures?

10 A She, of course, made sure the club was being
11 ran how it was ran, making sure management is doing
12 their job as to what they see fit.

13 Q And how do you know that?

14 A Well, I mean, because they own it and so
15 that just makes sense to me.

16 Q But you don't have any direct, personal
17 knowledge of that being the case, it's your
18 assumption?

19 A I suppose.

20 Q So you are aware of the fact that you have
21 sued A&D Interests, Incorporated doing business as
22 Heartbreakers, Mike Armstrong, and Peggy Armstrong,
23 right?

24 A Correct.

25 Q Are you seeking money in your lawsuit -- in

1 this lawsuit?

2 A Yes.

3 Q What sort of money are you seeking?

4 A I do not have a specific -- I don't have any
5 specifics for that.

6 Q Let me show you something that your
7 attorneys have drafted on your behalf. This is a
8 document called Plaintiffs' Initial Disclosures. I
9 don't know if you've ever seen it or not, but this is
10 what your attorneys have informed us, is that you are
11 a plaintiff in the lawsuit, obviously, and that you
12 have discoverable information that you may use to
13 support your claims against the defendants, okay?

14 And one of those areas of information
15 is the facts related to your statutory and actual
16 damages. I don't expect you to know what statutory
17 and actual damages are, but what facts related to your
18 damages can you tell me?

19 MS. REZAZADEH: Objection; calls for a
20 legal conclusion.

21 A What exactly are you asking me?

22 Q (By Mr. King) I'm just trying to figure out
23 how much you're asking for in this lawsuit, whether
24 in -- however you calculate it.

25 A I am not asking for a specific amount.

1 Q Is there any formula that we can use to
2 calculate your damages?

3 A I'm not sure. I figured I would figure that
4 out with my attorney.

5 Q Are you seeking 7.25 an hour for every hour
6 that you worked at Heartbreakers?

7 MS. REZAZADEH: Objection; asked and
8 answered.

9 A I'm not sure.

10 Q (By Mr. King) Okay. Are you seeking
11 compensation for any overtime hours that you say that
12 you have worked at Heartbreakers?

13 A I am not 100 percent sure.

14 Q Do you recall any -- any weeks during your
15 time at Heartbreakers in 2019 in which you worked in
16 excess of 40 hours in a -- in a week?

17 A Well, I -- I feel like I have.

18 Q Can you recall any instances in which you
19 had?

20 A No.

21 Q Do you -- so are you claiming that you are
22 entitled to overtime compensation for working 40
23 hours -- in excess of 40 hours in any seven-day period
24 of time?

25 MS. REZAZADEH: Objection; asked and

1 answered.

2 A I personally think that I -- I have worked
3 over 40 hours, but I mean, I don't even think that
4 time sheet cards are even that accurate.

5 Q (By Mr. King) And that's all I -- and I
6 understand that you feel that you have worked in
7 excess of 40 hours in some workweek or workweeks, and
8 what I -- I just want to know from you is how many --
9 how many times that happened in 2019.

10 A I -- I can't say how many times that
11 happened.

12 Q Can you say how many -- how many hours over
13 40 in any seven-day period of time you recall working?
14 For example, there was a workweek in which I worked 45
15 hours or 50 hours.

16 A No.

17 Q Have you tried to recall that?

18 A I mean, I -- I've thought about it, but I
19 mean, I can't -- I can't say anything specific.

20 Q Is -- is there any -- any source of
21 information that might refresh your recollection or
22 provide some insight into your claim that you are
23 entitled to overtime compensation for working in
24 excess of 40 hours in any particular seven-day period
25 of time?

1 MS. REZAZADEH: Objection; vague.

2 A No.

3 Q (By Mr. King) So do you have no facts
4 related to the damages that you are claiming here?

5 MS. REZAZADEH: Objection; calls for a
6 legal conclusion, misquoting the deponent.

7 A I don't really know what to say to that.

8 Q What sums of money do you claim defendants'
9 conduct caused you to lose?

10 A I have no -- no, like, set amount of money
11 or an estimate right now.

12 Q Is that going to change in the future?

13 MS. REZAZADEH: Objection; vague.

14 A I -- I do not know. That's something I
15 guess I would have to talk with my attorney about or
16 something.

17 Q (By Mr. King) I understand. And the reason
18 why I'm asking you all these repetitive questions is
19 because I don't want to have to go to the Court and
20 have the Court say you've got to come back and do
21 this whole thing with me all over again. Because one
22 of the things that I'm trying to find out is how much
23 money you're claiming my client -- clients should pay
24 you. And what I'm hearing is that you have no idea.
25 And so this is your opportunity to tell me something

1 about it.

2 MS. REZAZADEH: Is there a question?

3 MR. KING: Yeah. I'm giving your
4 client an opportunity to avoid another deposition
5 because I'm going to file a motion to compel with her
6 and Chapman because they have no idea what their
7 damages are, none. They can't even tell me, "Yeah, I
8 think I worked 20 hours in August of 2019 so multiply
9 that by 7.25 an hour, that's my minimum wage damage."

10 There's nothing. It's -- it's baffling
11 to me why your clients are being told not to tell --
12 give any information about their damages.

13 MS. REZAZADEH: Maybe you're not asking
14 the right questions. They can't do calculations for
15 you off the top -- off of memory and without their
16 attorney advising them what their rights are under the
17 law.

18 MR. KING: Okay. Well, you're aware of
19 the burden shift to the framework if an employee says
20 that the employer's records are inaccurate or in any
21 way misleading, right?

22 MS. REZAZADEH: (Moving head from side
23 to side.)

24 MR. KING: You're not aware of that?

25 MS. REZAZADEH: Are you arguing with me

1 or are you going to ask her a question?

2 MR. KING: Okay. Well, I'm trying to
3 avoid a situation where I get ambushed at trial
4 because now we've got, "Oh, my memory is refreshed."
5 I've got to know the range of damages and it's not in
6 your disclosures.

7 I do not want to have to come -- go to
8 the Court and say they have -- they have got to
9 disclose this information.

10 MS. REZAZADEH: Do you want to talk off
11 the record or do you want to -- do you want to finish
12 your deposition and discuss this off the record?

13 MR. KING: No. I want it on the record
14 because I want to go --

15 MS. REZAZADEH: We'll complement our
16 disclosures for you. It's not -- there's no dead --
17 we haven't passed that deadline so I don't know why
18 you're --

19 (Speaking simultaneously.)

20 MR. KING: This case has been on file
21 for well over a year and there's no supplementation
22 here. I mean, that's a problem.

23 MS. REZAZADEH: Then move to compel our
24 disclosures and we'll supplement them. I mean, I
25 don't have to tell you --

1 MR. KING: And if you supplement them,
2 I'm going to ask --

3 (Speaking simultaneously.)

4 MS. REZAZADEH: I just --

5 THE REPORTER: Guys, I can only take
6 down one person at a time.

7 MS. REZAZADEH: I'm sure that if you
8 sent us a letter requesting it, that we would oblige.

9 MR. KING: You -- under Rule 26, you
10 are -- you have the automatic obligation --

11 MS. REZAZADEH: I'm not arguing on the
12 record anymore.

13 MR. KING: And this is my opportunity
14 to ask your client what her damages are. She has no
15 idea.

16 MS. REZAZADEH: Your opinion.

17 MR. KING: And if you want me to, you
18 know, go ask the Court compel her to come back, I can
19 do that. Or she can just say I don't know and I'll
20 move for summary judgment on her damages and get the
21 case dropped.

22 MS. REZAZADEH: We can call Leigh in
23 here and she can come and argue with you because I'm
24 not going to -- I'm not going to do it. I'm tired.

25 MR. KING: I'll talk to Leigh

1 afterwards.

2 Q (By Mr. King) Ms. Kibodeaux, I am sorry for
3 that di -- that horrific digression. So the bottom
4 line is you don't know how many hours you worked in
5 2019?

6 MS. REZAZADEH: Objection; vague.

7 A Well, I gave my estimate to my best
8 recollection.

9 Q (By Mr. King) Fair enough. And how much --
10 what categories of money for damages are you going to
11 tell a jury in this case that you should be paid by my
12 client?

13 A I mean, like I said, I -- I really don't
14 know. Like, I'm going to have to talk to my attorney
15 and figure that out.

16 Q Do you have any idea how many hours any
17 other dancers have worked or do we have to ask them
18 too?

19 A I don't know how many hours anybody works.

20 Q Do you want to notify other dancers about
21 your lawsuit to give them an opportunity to join and
22 sue Heartbreakers?

23 A Well, I mean, I -- I would like if other
24 people helped and jumped on.

25 Q Why is that?

1 A Well, at some point just because I think
2 that's what's right.

3 Q And why is that right?

4 MS. REZAZADEH: Objection; vague, asked
5 and answered.

6 Q (By Mr. King) I'll ask it like this: What
7 do you want other entertainers to obtain from this
8 lawsuit?

9 A I want other dancers to know that -- that
10 this just isn't fair. It's just not fair.

11 Q What?

12 A Like how Heartbreakers works, to me, is just
13 not fair at all.

14 Q Do you want other dancers to be treated as
15 employees?

16 MS. REZAZADEH: Objection; calls for a
17 legal conclusion.

18 Q (By Mr. King) Go ahead.

19 A I do not have an answer for that.

20 Q Do you want Heartbreakers to pay all of its
21 dancers 7.25 an hour, minimum wage, for their work as
22 dancers?

23 MS. REZAZADEH: Objection; incomplete
24 hypothetical.

25 A I don't know the answer to that either. All

1 I know is that what happened to me is happening to
2 other dancers and they just don't like that.

3 Q (By Mr. King) And what happened to you is
4 you feel that you were treated unfairly, right?

5 A Correct.

6 Q You -- you feel that Whitey was very harsh
7 with you, right?

8 A Well, I mean, sure. Yeah.

9 Q That Whitey was not nice to you, right?

10 A No, he wasn't nice to anybody.

11 Q I've met the guy. I understand it he looks
12 like Will Ferrell's grandfather. I get it, okay?

13 MS. REZAZADEH: Gosh.

14 Q (By Mr. King) Do you even care whether
15 your -- you were or were not treated as an employee or
16 independent contractor?

17 MS. REZAZADEH: Objection; vague.

18 A All I know is that I was given some stuff to
19 sign and it wasn't explained to me and I didn't know
20 what to expect from it.

21 Q (By Mr. King) Aside from money, is there
22 any -- some unknown amount of money, is there anything
23 else that you are seeking out of this lawsuit?

24 A Just more fair rights for dancers, really.

25 Q And which rights would those be?

1 A Well, we shouldn't be pressured to give
2 percentages of our money away, and we just -- everyone
3 needs to be treated as an independent contractor or as
4 an employee, not some weird mix.

5 Q And do you feel that you were treated as a
6 mix of those two things?

7 A Yes. Very confusing.

8 Q And do you think that every -- every other
9 dancers at Heartbreakers was a mix of those two
10 things?

11 A Yes.

12 MR. KING: I'll pass the witness.

13 MS. REZAZADEH: Okay, Stacey. I'll try
14 to make this as quick as possible.

15 E X A M I N A T I O N

16 BY MS. REZAZADEH:

17 Q Did Heartbreakers expect you to make money
18 when you came into work for a shift?

19 A Yes.

20 Q And why is that?

21 A Because if we make money as the dancers,
22 then they make money to keep their club going off of
23 our money and stuff too.

24 Q And how did the club make money off of the
25 money that you made?

1 A By --

2 MR. KING: Objection; leading.

3 A -- taking percentages of our dancer dollars,
4 tip-out fees, the DJ, the management tips, the skips,
5 including the skips if you wanted to leave early, with
6 that amount too.

7 Q (By Ms. Rezazadeh) Uh-huh. And how -- what
8 is the percentage on the dance dollars, to your
9 understanding, that you mentioned?

10 A I believe it's about 20 percent.

11 Q So explain to me how that works.

12 MR. KING: Objection; vague.

13 Q (By Ms. Rezazadeh) How did you get
14 20 percent?

15 A Well, a lot of the dancer dollars will be,
16 like, the \$25 bills, and then they take \$5 off of
17 that.

18 Q Right. Now, just a couple of questions
19 about the Facebook post that he showed you earlier.
20 It's Exhibit 2, I believe. Do you see it?

21 A I do not see it.

22 MR. KING: Sorry. I had mine on.

23 MS. REZAZADEH: Oh, no worries.

24 Q (By Ms. Rezazadeh) Can you see it now?

25 A Yes.

1 Q Did -- would -- when does it show you made
2 this post?

3 A January 27th, 2020.

4 Q So -- and when did you stop working at
5 Heartbreakers?

6 A Before that.

7 Q Right. So sitting here today, do you think
8 this post had anything to do with your work at
9 Heartbreakers?

10 A No.

11 MR. KING: Objection; leading.

12 A My answer was no.

13 Q (By Ms. Rezazadeh) Oh, sorry. I didn't
14 hear you.

15 Did Heartbreakers control how you
16 performed when you came into work?

17 A Yes.

18 Q They control your entire appearance?

19 MR. KING: Leading.

20 A They, like, controlled, like, the outfits,
21 hair, and makeup and the songs we had to dance to.

22 Q (By Ms. Rezazadeh) Okay.

23 MS. REZAZADEH: I don't remember what
24 exhibit the license agreement was.

25 MR. KING: 6.

1 MS. REZAZADEH: Okay.

2 Q (By Ms. Rezazadeh) I'm just curious,
3 Stacey, this license agreement that we talked about
4 earlier -- or Will asked you about earlier, that --
5 this address at the very bottom, is that an address
6 you've ever lived -- are you -- do you know that
7 address? Are you familiar with that address?

8 A Yes. I believe I lived there, like, very,
9 very briefly.

10 Q Okay. But you said this -- is this your
11 handwriting where the address is written?

12 A No.

13 Q And the date, what does it say the date it
14 was signed?

15 A It says it was signed January 8th, 2018.

16 Q And when did you start working at
17 Heartbreakers?

18 A A whole year after that.

19 Q Okay. Will asked you earlier if there's
20 some time -- some nights you ended up negative at the
21 end of the night, and you said yes; is that correct?

22 A Yes.

23 Q Do you have any reason -- scratch that.

24 The exhibit that he showed you earlier,
25 the daily earnings report, there's some amount on each

1 line here, right? Like some numbers, a dollar amount
2 listed on each line?

3 A Right.

4 Q So if you ended up negative one night, maybe
5 it wouldn't show up on here if there's no number,
6 dollar amount to put there?

7 MR. KING: Objection; leading, calls
8 for speculation.

9 Q (By Ms. Rezazadeh) Is that possible?
10 Sorry. I didn't hear you.

11 A It's possible.

12 Q Okay. Because Will asked you about this
13 earlier and you said -- did you think all these --
14 that it included all the dates you worked there, this
15 document?

16 A I don't think so.

17 Q Okay. So is it possible that the dates you
18 were negative aren't on here, maybe?

19 MR. KING: Objection; speculation.

20 A I think that that might be possible, but --

21 Q (By Ms. Rezazadeh) That's all.

22 A Yeah, I can't guarantee.

23 Q Yeah. At the end of the night, what did you
24 do with your dance dollars?

25 A I would have to turn them in to the house

1 mom and management.

2 Q And then what would they do?

3 A They would count them out and take their
4 percentage and then give me whatever is left in -- in
5 regular cash.

6 Q And you said earlier that sometimes you had
7 to stay after closing?

8 A Yes.

9 Q So could it have been that you were trying
10 to get your dance dollars cashed out and that's why
11 you were staying after closing?

12 MR. KING: Objection; leading.

13 A Yes.

14 MS. REZAZADEH: Okay. Pass the
15 witness.

16 F U R T H E R E X A M I N A T I O N

17 BY MR. KING:

18 Q Did you receive a 1099 from Heartbreakers,
19 Ms. Kibodeaux?

20 A I don't know.

21 Q Did you make at least \$12,587 in 2019 from
22 your work at Heartbreakers?

23 A I do not know.

24 Q Did you make more than that sum at
25 Heartbreakers?

1 A I don't know.

2 Q You have no idea? You have no records?

3 A No.

4 Q You have no idea where the figure in Box 7
5 comes from?

6 A No.

7 Q Do you know whether Box 7 reflects money
8 that you received via credit card payments?

9 A I'm not sure what that is.

10 MR. KING: That's it. Okay.

11 MS. REZAZADEH: Reserve for trial.

12 THE REPORTER: Ms. Rezaz -- I'm not
13 even going to try. Do you need a copy of the
14 transcript?

15 MS. REZAZADEH: Yes. If you would just
16 e-mail me any order form or whatever, I'll forward it
17 to my paralegal and she'll fill out and -- for
18 whatever we're supposed to order.

19 THE REPORTER: Okay. I sure will.
20 Yes, ma'am.

21 MS. REZAZADEH: And then she'll read
22 and sign, of course.

23 THE REPORTER: Read and sign also.
24 Okay.

25 MR. KING: What's your turnaround on

1 deposition transcripts?

2 THE REPORTER: It's ten business days.

3 (Discussion off the record.)

4 MS. REZAZADEH: Casey, if they request
5 an expedited one, I will need one too.

6 THE REPORTER: Okay. Sure thing.

7 If --

8 MR. KING: I'll need an expedited
9 transcript.

10 THE REPORTER: Okay. How quick do you
11 need it?

12 MR. KING: Do you think by Monday? Is
13 that doable?

14 THE REPORTER: This coming Monday? Let
15 me look at a calendar. That would be...

16 (Discussion off the record.)

17 THE REPORTER: I can do it by Monday.
18 That would be the 26th, so yeah.

19 MR. KING: Okay.

20 (The deposition concluded at 2:52 p.m.)

1 WITNESS CORRECTIONS AND SIGNATURE

2 Please indicate changes on this sheet of
3 paper, giving the change, page number, line number,
4 and reason for the change. Please sign each page of
5 changes.

PAGE/LINE CORRECTION

REASON FOR CHANGE

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STACEY KIBODEAUX

1 I, STACEY KIBODEAUX, solemnly
 2 swear or affirm under the pains and penalties of
 3 perjury that the foregoing pages contain a true and
 4 correct transcript of the testimony given by me at the
 5 time and place stated herein, except as noted on the
 6 previous correction page(s), and that I am signing
 7 this before a Notary Public.

8 _____
 9 STACEY KIBODEAUX

10 STATE OF _____ *

11 COUNTY OF _____ *

12 Before me, _____,
 13 on this day personally appeared STACEY KIBODEAUX,
 14 known to me, or proved to me under oath, to be the
 15 person whose name is subscribed to the foregoing
 16 instrument and acknowledged to me that he/she executed
 17 the same for the purposes and consideration therein
 18 expressed.

19 Given under my hand and seal of
 20 office on this, the _____ day of _____,
 21 20____.

22 _____
 23 NOTARY PUBLIC IN AND FOR THE
 24 STATE OF _____

25 My Commission Expires: _____

JOB NO. 10803

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 GALVESTON DIVISION

3 STACEY KIBODEAUX, a/k/a §
4 "ILLUSION," et al., §
5 individually, and on behalf §
6 of all others similarly §
7 situated, §
8 §
9 Plaintiffs, §
10 §
11 v. § CIVIL ACTION NO.
12 § 3:20-cv-00008
13 A&D INTERESTS, INC., d/b/a §
14 HEARTBREAKERS GENTLEMAN'S §
15 CLUB, et al., §
16 §
17 Defendants. §

11 REPORTER'S CERTIFICATION
12 ORAL DEPOSITION OF
13 STACEY KIBODEAUX
14 APRIL 22, 2021
15 (REPORTED REMOTELY)

14 I, CASSANDRA LEE, a Certified Shorthand
15 Reporter in and for the State of Texas, hereby certify
16 to the following:

17 That the witness, STACEY KIBODEAUX, was duly
18 sworn by the officer and that the transcript of the
19 oral deposition is a true record of the testimony
20 given by the witness;

21 That the deposition transcript was submitted
22 on _____, 20____, to the witness, or to the
23 attorney for the witness, for examination, signature,
24 and return to Infinity Reporting Group, LLC, by
25 _____, 20____;

1 That the amount of time used by each party
2 at the deposition is as follows:

3 MS. GHAZZALEH REZAZADEH - 00:07

4 MR. WILLIAM X. KING - 04:11

5 That pursuant to information given to the
6 deposition officer at the time said testimony was
7 taken, the following includes counsel for all parties
8 of record:

9 MS. GHAZZALEH REZAZADEH, ATTORNEY FOR PLAINTIFFS

10 MR. WILLIAM X. KING, ATTORNEY FOR DEFENDANTS

11 I further certify that I am neither counsel
12 for, related to, nor employed by any of the parties or
13 attorneys in the action in which this proceeding was
14 taken, and further that I am not financially or
15 otherwise interested in the outcome of the action.

16 Certified to by me this the ____ day of
17 _____, 20____.

18 _____
19 CASSANDRA LEE, CSR
20 TEXAS CSR NO. 8900
Expiration Date: 02/28/22

21 INFINITY REPORTING GROUP, LLC
22 Firm Registration No. 782
11231 Richmond Avenue, Suite D110
Houston, Texas 77082
23 Phone: 832.930.4484
24

25 JOB NO. 10803